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TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 01—ORGANIZATION AND OFFICIAL RECORDS OF THE COMMISSION

RETIREMENT DIVISION

Section 01.12. (a) is amended to read as follows:

§ 01.12 *Retirement Division*—(a) *Organization.* The Retirement Division is charged with responsibility for interpreting and administering the Civil Service Retirement Act of May 22, 1920 (41 Stat. 614), as amended (5 U. S. C. 691-738) the Canal Zone Retirement Act of March 2, 1931 (46 Stat. 1471) as amended (48 U. S. C. 1371), and the Alaska Railroad Retirement Act of June 29, 1936 (49 Stat. 2017), as amended (5 U. S. C. 745) Jurisdiction over the administration of the act of May 29, 1944 (58 Stat. 257), is also vested in the Division. This act provides for the payment of annuities to United States citizen employees (or to their unremarried widows under prescribed conditions) who served on the Isthmus of Panama during the construction period of the Panama Canal from May 4, 1904, to March 31, 1914, inclusive, who were not included in the recognition and the benefits accorded by the act of March 4, 1915 (33 Stat. 1190)

CROSS REFERENCE: For regulations relative to retirement, see Part 29 of this chapter.

The operating sections of the Division are as follows:

(1) *Annuity Section.* This section adjudicates claims for annuities under the Civil Service Retirement Act, the Canal Zone Retirement Act, and the Alaska Railroad Retirement Act, on age, optional and disability retirements, and discontinued service; determines whether legal and medical title has been established; determines the amount payable and the date payments are to begin; and develops and appraises all evidence, documents, and records required to substantiate the actions taken. It adjudicates claims for gratuity benefits under the Panama Canal Construction Annuity Act. It advises employees and prospective annuitants on their annuitable rights and obli-

gations, maintains a record of all annuitants retired on disability, and orders the annual medical examinations as required.

(2) *Service Credit Section.* This section examines service credit applications and makes formal decisions with respect to the service credits to which present or former employees are entitled under the retirement laws and the amounts which must be paid in order to obtain title to annuity or to secure full annuity for such periods of service. It answers correspondence relating to the processing of service credit claims and voluntary contributions.

(3) *Death Claims Section.* This section adjudicates claims filed by the beneficiaries, legal representatives, or next of kin of deceased employees or annuitants for the accrued annuity, the unexpended balance, or the accumulated deductions in the retirement funds. It adjudicates claims submitted in behalf of former employees who are incompetent, for accumulated deductions to their credit in the retirement funds. It examines the designation of beneficiary forms for completeness and compliance with regulations and instructions. It conducts correspondence with respect to death claims and designation of beneficiary forms and maintains the files of designation of beneficiary forms. It prepares certifications of information contained in designation of beneficiary forms for use by the General Accounting Office in the administration of the act of December 21, 1944 (58 Stat. 845).

(4) *Refund Section.* This section adjudicates refund claims filed by former employees for the refund of deductions made from their salaries and to their credit in the retirement fund; determines the legality of such claims and the amount payable; develops and appraises the evidence, documents, and records required to substantiate the actions taken.

(5) *Correspondence Section.* This section conducts correspondence with present and former Government employees or their representatives with respect to refund rights and claims. It answers correspondence of a general nature not relating to the processing of annuity, service credit, voluntary contributions, or death claims.

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(6) <i>Fiscal Section.</i> This section prepares schedules and vouchers covering payments on all retirement claims for use by the Disbursing Office of the Treasury in the preparation of checks and for use by the General Accounting Office in the audit of claim payments. It certifies all disbursements made from the retirement funds; maintains the administrative accounting controls for the retirement and disability funds; prepares the periodic financial statements for use by the officials of the Division, the Board of Actuaries, and the Commission in the administration of the Retirement Acts and for submission to the Congress in the Annual Reports and Budget Estimates; receives and records cash, check, or money order remittances of voluntary deposits and issues receipts thereon; deposits remittances to the appropriate accounts in the Treasury of the United States; accepts and records payments from employees covering the purchase of service credits, or redeposits of amounts withdrawn or overpayments, and issues receipts thereon; deposits remittances in the Treasury of the United States to the credit of the proper retirement fund; maintains the individual annuity award accounts; maintains the individual retirement accounts (Form 2806) on all separated employees.	
(7) <i>Agency Accounting Section.</i> This section conducts studies of the procedures used and practices followed by agencies in the maintenance of individual retirement accounts (Form 2806) and submits reports and recommendations for improvements whenever deemed necessary. It makes periodical inspections to the extent necessary to determine whether the retirement records in the agencies are maintained currently and in accordance with laws, regulations, and instructions; and makes periodical reports to the Commission on the status of retirement records in each agency. It develops training material for use by agencies in training new employees on the maintenance of individual retirement accounts and in the preparation of retirement applications and forms; maintains liaison with agencies, giving advice and instructions to officials and employees in the agencies who are assigned to and are responsible for the	

agency's retirement work, and advice on the procedures for the submission of applications, claims, account records, reports, and forms to the Commission; and renders technical and legal advice with respect to the Retirement Act and regulations.

(8) *Accounting Systems and Reports Analysis Section.* This section conducts studies of the over-all control accounts maintained by the Division in connection with the administration of the retirement system to determine their sufficiency; recommends such changes and improvements in the retirement accounting system and practices as are considered necessary to protect the employees covered by the system, the Government, and the Commissioners who serve as trustees of the retirement funds; and directs the installation of such changes. It studies the financial statements and reports now prepared to determine the adequacy of the accounts and reports and the effectiveness of the protection thereby afforded to the Commission and to present and prospective annuitants. It secures clearance with the General Accounting Office of all suggested new systems or proposed revisions of existing accounting methods and procedures and conducts conferences with representatives of agencies, the General Accounting Office, and other interested groups for the purpose of assisting in the installation of retirement accounting systems and the development of improvements in the procedures followed in the agencies and in the Division.

(9) *Congressional Services Section.* This section furnishes information to Members of Congress with respect to rights and benefits of their constituents on telephonic request. It furnishes data by telephone on the status of individual claims to Members of Congress in those cases where inquiry has been received by them from claimants for retirement benefits. It furnishes former and present employees with information regarding their rights and benefits, status of their claims, and procedures or instructions to be followed in presenting their claims.

(10) *Office of the Legal Adviser.* This office serves in an advisory capacity to the staff officials of the Division with respect to the analysis of legal aspects of proposed changes in retirement laws and regulations and makes specific recommendations with respect thereto. It analyzes retirement and related laws to interpret the intent of Congress and decisions of the Comptroller General and of the Attorney General for the purpose of advising the Commission and its staff officials, employing agencies and their officers and employees, and representatives of employee organizations. It renders opinions and decisions on questions requiring the application of provisions of the retirement and related laws and administrative rulings; prepares cases for submission to the Board of Appeals and Review, to the Attorney General, or to the Comptroller General; collaborates with the Department of Justice in the preparation and trial of suits arising under the retirement laws; prepares drafts of bills and reports of the Com-

mission on proposed legislation concerning retirement, for the use in consideration of Congressional Committees; drafts rules and regulations with respect to the administration of the retirement laws, for promulgation by the Commission.

(11) *Office of the Actuary.* This office conducts actuarial studies, periodic valuations of retirement funds, and longevity investigations of annuitants. It conducts studies to determine relation of service and contributions to benefits at the different ages of retirement; confers with the Board of Actuaries for the purpose of presenting to the Board members new developments, proposals, reports and data, and for the purpose of securing their advice and consultation with respect to such reports and proposals; makes actuarial studies and recommends improvements and simplification in retirement systems and policies; prepares the annual retirement reports; prepares special interest tables, and similar types of aids to facilitate the speedy and economical performance of retirement activities.

(12) *Procedures and Control Section.* This section conducts surveys of and studies existing procedures, regulations, policies, and methods followed in the Division, and prepares process charts and reports analyzing them and recommending changes designed to improve operations and reduce costs. It assembles and analyzes management control data on the operations of the Division, and recommends ways or methods of correcting or adjusting procedures to eliminate or correct bad situations before they become a problem; studies and recommends changes in policies, regulations, or laws to conform to new developments or requirements and to changing patterns or circumstances; establishes controls which will indicate when corrective actions are needed with respect to receipts, productions, backlogs, personnel assignments, delays, or unsatisfactory conditions generally; installs changes as approved by the Division officials or the Commission and follows through to assure compliance with authorized instructions, policies, laws, regulations, and procedures.

(13) *Personnel Section.* This section develops programs and provides the leadership to get them into operation, for full utilization of personnel; administration of the efficiency-rating system; selection, placement and promotion of personnel; handling of the work assignment program; handling of employee relations and employee counseling; handling of reductions in force programs; administration of leave regulations and instructions. It prepares personnel forms and supporting documents for submission to the Director of Personnel to effect personnel appointments, changes, and separations; prepares job descriptions and recommends grade allocations for positions in the Division and presents necessary explanatory material and information as required to justify recommendations; initiates and conducts conferences with operating officials to explain new programs and the methods to be followed in putting them into effect.

(14) *Miscellaneous Services Section.* This section makes a continuous study

of forms and form letters in use in the Division with a view to the elimination of obsolete and unnecessary forms, and the simplification and consolidation of remaining forms and form letters. It procures supplies and equipment for the Division, and prepares the periodical inventory reports; studies space assignments, requirements, and utilization to insure the most effective allocation; reports on work conditions, sufficiency of lighting, compliance with fire regulations, and acceptability of appearance of the building occupied by the Division.

(15) *Budget and Reports Section.* This section compiles the statistical statements, trend charts, and justifications for the Division's annual and supplemental budget estimates. It prepares the summaries and analyses of work reports, calling attention to increases or decreases in work receipts, work performance, work on hand, and unit costs and to repeated instances of non-compliance with established quantity work standards. It recommends revision of work report forms when it is found that they do not satisfactorily provide the work control data essential for management purposes. It develops and maintains cost data and cost records on all significant activities of the Division.

(16) *Mail and Files Section.* This section receives and distributes all incoming mail. It dispatches outgoing mail. It maintains the General Index Records and the closed files on all annuity claims, death claims, refund claims, and service credit applications adjudicated, and furnishes records and information as requested from these files. It furnishes the general messenger service for the Division.

(Sec. 2, 22 Stat. 403, 50 Stat. 533; 5 U. S. C. 633)

[SEAL] UNITED STATES CIVIL SERVICE COMMISSION,
H. B. MITCHELL,
President.

[F. R. Doc. 47-5502; Filed, June 10, 1947;
8:46 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspection, Marketing Practices)

Subchapter C—Regulations Under the Farm Products Inspection Act

PART 51—FRUITS, VEGETABLES AND OTHER PRODUCTS (GRADING, CERTIFICATION AND STANDARDS)

U. S. STANDARDS FOR PEACHES

By virtue of the authority (11 F. R. 7713) vested in me by the Secretary of Agriculture, I hereby approve the publication in the *FEDERAL REGISTER* of the following United States Standards for Peaches which were issued April 22, 1933. These standards are currently in effect pursuant to the Department of Agriculture Appropriation Act of 1947 (Pub. Law 422, 79th Cong., 2d sess., approved June 22, 1946)

§ 51.312 *Peaches*—(a) *General*—(1) *Application of tolerances.* The tolerances specified for the various grades

are placed on a package basis. However, any lot of peaches shall be considered as meeting the requirements of a specified grade if the entire lot averages within the tolerances specified: *Provided*, That the defects in any package based on sample inspection do not exceed the following amounts:

(i) For a specified tolerance of 10 percent not more than one and one-half times the tolerance shall be allowed for any one package.

(ii) For specified tolerances of 5 percent or less not more than double the tolerance shall be allowed for any one package.

(b) *Grades.* (1) "U. S. Fancy" shall consist of peaches of one variety which are mature but not soft or overripe, well formed; free from decay, bacterial spot, cuts which are not healed, growth cracks, hail injury, scab, scale, split pits, worms, worm holes, leaf or limb rub injury* and from damage caused by bruises, dirt or other foreign material, other disease, insects or mechanical or other means.

(i) Each peach shall meet its varietal color requirements as follows, which is expressed in terms of percentage of the fruit surface showing red color characteristic of the variety:

50 PERCENT OR MORE

Cármán.	St. John.
Early Crawford.	Triumph.
Early Rose.	Tuscan Cling.
Hiley.	Other similar varieties.
Mayflower.	
Red Bird (Early Wheeler).	

25 PERCENT OR MORE

Belle of Georgia.	Orange Cling.
Cumberland.	Palore.
Elberta.	Stump.
J. H. Hale.	Uneda.
Jubilee.	Other similar varieties.
Late Crawford.	

15 PERCENT OR MORE

Bllyeau.	Salwey.
Champion.	Slappy.
Eclipse.	Smock.
Greensboro.	Other similar varieties.
Levy.	
Phillips Cling.	

(ii) In order to allow for variations incident to proper grading and handling, not more than 10 percent, by count, of the peaches in any package may be below the requirements of this grade other than for color but not more than one-half of this tolerance, or 5 percent, shall be allowed for defects causing serious damage and not more than one-fifth of this amount, or 1 percent, shall be allowed for decay at shipping point. An additional tolerance of 2 percent shall be allowed for soft or overripe peaches or decay en route or at destination. In addition, not more than 10 percent, by count, of the fruit in any package may be below the specified color requirement.

(2) "U. S. Extra No. 1." Any lot may be designated "U. S. Extra No. 1" when the peaches meet the requirements of U. S. No. 1 grade: *Provided*, That not less than 50 percent, by count, of the peaches in any lot also meets the color requirements of U. S. Fancy grade.

(i) In order to allow for variations incident to proper grading and handling, not more than 10 percent, by count, of

the peaches in any package may be below the requirements of the U. S. No. 1 grade but not more than one-half of this tolerance, or 5 percent, shall be allowed for defects causing serious damage and not more than one-fifth of this amount, or 1 percent, shall be allowed for decay at shipping point. An additional tolerance of 2 percent shall be allowed for soft or overripe peaches or decay en route or at destination. No part of any tolerance shall be used to reduce the percentage of peaches with U. S. Fancy color required for the lot as a whole but individual packages may have not less than 40 percent which meets the color requirements of U. S. Fancy grade: *Provided*, That the entire lot averages not less than 50 percent. However, the 3 percent total tolerance for decay en route or at destination may be used to reduce this percentage provided there is no evidence that the decayed fruit did not meet the color requirements of U. S. Fancy at time of packing.

(3) "U. S. No. 1" shall consist of peaches of one variety which are mature but not soft or overripe, well formed, free from decay, growth cracks, cuts which are not healed, worms, worm holes, and from damage caused by bruises, dirt, or other foreign materials, bacterial spot, scab, scale, hail injury, leaf or limb rubs, split pits, other disease, insects or mechanical or other means.

(i) In order to allow for variations incident to proper grading and handling, not more than 10 percent, by count, of the peaches in any package may be below the requirements of this grade but not more than one-half of this tolerance, or 5 percent, shall be allowed for defects causing serious damage and not more than one-fifth of this amount, or 1 percent, shall be allowed for decay at shipping point. An additional tolerance of 2 percent shall be allowed for soft or overripe peaches or decay enroute or at destination.

(4) "U. S. No. 2" shall consist of peaches of one variety which are mature but not soft or overripe, not badly misshapen, free from decay, cuts which are not healed, worms, worm holes, and from serious damage caused by bruises, dirt or other foreign materials, bacterial spot, scab, scale, growth cracks, hail injury, leaf or limb rubs, split pits, other disease, insects, or mechanical or other means.

(i) In order to allow for variations incident to proper grading and handling, not more than 10 percent, by count, of the peaches in any package may be below the requirements of this grade, but not more than one-tenth of this tolerance, or 1 percent, shall be allowed for decay at shipping point. An additional tolerance of 2 percent shall be allowed for soft or overripe peaches or decay enroute or at destination.

(c) *Unclassified*. Unclassified shall consist of peaches which are not graded in conformity with any of the foregoing grades.

(d) *Marking requirements for size*. The minimum size, numerical count, or description of pack of the peaches in any package shall be plainly stenciled, labeled, or otherwise indicated on the package. Minimum size refers to the "diam-

eter" (as hereinafter defined) of the smallest peach and shall be stated in terms of whole inches, whole and half inches, whole and quarter inches, or whole and eighth inches, as 2 inches minimum, 2¼ inches minimum, 1½ inches minimum, etc. in accordance with the facts.

(1) "Diameter" means the shortest distance measured through the center of the peach at right angles to a line running from the stem to the blossom end.

(2) In order to allow for variations incident to proper sizing, not more than 10 percent, by count, of the peaches in any package may be below the specified minimum size.

(3) Description of pack refers especially to peaches packed in six-basket carriers. When used, it shall include the arrangement of the peaches in each layer in the baskets and also the total number of layers in the carrier and shall be indicated as follows: 2-1, 6 layers; 2-2, 6 layers; 3-2, 6 layers, in accordance with the facts.

(e) *Standard pack*. Each package shall be packed so that the peaches in the shown face shall be reasonably representative in size, color and quality of the contents of the package.

(1) Six-basket carriers: Peaches packed in the standard six-basket carrier shall be reasonably uniform in size and arranged in the individual baskets according to the approved and recognized methods.

	Bottom layer	Middle layer	Top layer	Total basket	Total carrier
2x1-6 layer.....	8	8	8	24	123
2x1-6 layer.....	9	9	9	27	132
2x2-6 layer.....	10	10	10	30	150
2x2-6 layer.....	10	12	12	34	164
3x2-6 layer.....	13	13	15	41	205

(2) All baskets shall be well filled and packed with sufficient bulge to prevent any appreciable movement after lidding but the contents shall not show excessive or unnecessary bruising because of over-filled packages.

(3) Baskets: Peaches packed in bushel or half-bushel round-bottom baskets and tub baskets shall be ring faced and tightly packed with sufficient bulge to prevent any appreciable movement of the peaches within the package when lidded.

(4) Boxes: Peaches packed in the standard western boxes shall be reasonably uniform in size and arranged in the packages according to the approved and recognized methods. Each wrapped peach shall be fairly well enclosed by its individual wrapper. All packages shall be well filled and tightly packed but the contents shall not show excessive or unnecessary bruising because of over-filled packages. The number of peaches in the box shall not vary more than 4 from the number indicated on the box.

(5) In order to allow for variations incident to proper packing, not more than 10 percent of the packages in any lot may not meet these requirements.

(f) *Definitions*. (1) "Mature" means that the peach has reached the stage of

growth which will insure a proper completion of the ripening process.

(2) "Well formed" means that the peach has the shape characteristic of the variety.

(3) "Leaf or limb rub injury" means that the scarring is not smooth, not light colored, or aggregates more than one-fourth inch in diameter.

(4) "Damage" means any injury or defect which materially affects the appearance, edible or shipping quality of the peach. Any one of the following defects, or any combination thereof, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(i) Bacterial spot when cracked, or when aggregating more than three-eighths inch in diameter.

(ii) Scab spots when cracked, or when aggregating more than three-eighths inch in diameter.

(iii) Scale when concentrated, or when scattered and aggregating more than one-fourth inch in diameter.

(iv) Hail injury which is unhealed, or deep, or when aggregating more than one-fourth inch in diameter.

(v) Leaf or limb rubs when not smooth, or when not light colored, or when aggregating more than one-half inch in diameter.

(vi) Split pit when causing any unhealed crack, or when causing any crack which is readily apparent, or when affecting shape to the extent that fruit is not well formed.

(5) "Serious damage" means any injury or defect which seriously affects the appearance, edible or shipping quality of the peach. Any one of the following defects, or any combination thereof, the seriousness of which exceeds the maximum allowed for any one defect shall be considered as serious damage:

(i) Bacterial spot when any cracks are not well healed, or when aggregating more than three-fourths inch in diameter.

(ii) Scab spots when cracked, or when healed and aggregating more than one inch in diameter.

(iii) Scale when aggregating more than one-half inch in diameter.

(iv) Growth cracks when unhealed, or more than one-half inch in length.

(v) Hail injury when unhealed, or shallow hail injury when aggregating more than three-fourths inch in diameter, or deep hail injury which seriously deforms the fruit or which aggregates more than one-half inch in diameter.

(vi) Leaf or limb rubs when smooth and light colored and aggregating more than one and one-half inches in diameter, or dark or slightly rough and bark-like scars aggregating more than three-fourths inch in diameter.

(vii) Split pit when causing any unhealed crack, or when healed and aggregating more than one-half inch in length including any part of the crack which may be covered by the stem.

(viii) Soft or overripe peaches.

(ix) Wormy fruit or worm holes.

(6) "Badly misshapen" means that the peach is so decidedly deformed that its appearance is seriously affected.

(54 Stat. 555, Pub. Law 422, 79th Cong., 7 U. S. C. 414)

Done at Washington, D. C. this 6th day of June 1947.

[SEAL] E. A. MEYER,
Assistant Administrator.

[F. R. Doc. 47-5534; Filed, June 10, 1947;
8:45 a. m.]

PART 51—FRUITS, VEGETABLES AND OTHER
PRODUCTS (GRADING, CERTIFICATION AND
STANDARDS)

STANDARDS FOR SUMMER AND FALL PEARS

By virtue of the authority (11 F. R. 7713) vested in me by the Secretary of Agriculture, I hereby approve the publication in the FEDERAL REGISTER of the following United States standards for summer and fall pears, such as Bartlett, Hardy, and other similar varieties which were issued June 26, 1940. These standards are currently in effect pursuant to the Department of Agriculture Appropriation Act of 1947 (Pub. Law 422, 79th Cong., 2d Sess., approved June 22, 1946)

§ 51.331 *Pears (summer and fall)*—

(a) *General.* (1) When the numerical count is marked on the container, percentages shall be calculated on the basis of count.

(2) When the minimum diameter or minimum and maximum diameters are marked on the container, percentages shall be calculated on the basis of weight.

(3) When the pears are in bulk, percentages shall be calculated on the basis of weight.

(4) The tolerances for the standards are on a container basis. However, individual packages in any lot may vary from the specified tolerances as stated below, provided the averages for the entire lot, based on sample inspection, are within the tolerances specified.

(5) For a tolerance of 10 percent or more, individual packages in any lot may contain not more than one and one-half times the tolerance specified, except that when the package contains 15 specimens or less, individual packages may contain not more than double the tolerance specified.

(6) For a tolerance of less than 10 percent, individual packages in any lot may contain not more than double the tolerance specified, provided at least one specimen which does not meet the requirements shall be allowed in any one package.

(b) *Grades.* (1) "U. S. No. 1" shall consist of pears of one variety which are mature, but not overripe, carefully handpicked, clean, fairly well formed, free from decay, internal breakdown, scald, freezing injury, worm holes, black end, and from damage caused by hard end, bruises, broken skins, russetting, limbrubs, hail, scars, drought spot, sunburn, sprayburn, stings or other insect injury, disease, or mechanical or other means. (See paragraph (e) *Tolerance* and paragraph (f) *Condition after storage or transit* of this section.)

(2) "U. S. No. 2" shall consist of pears of one variety which are mature, but not overripe, carefully handpicked,

clean, not seriously misshapen, free from decay, internal breakdown, scald, freezing injury, worm holes, black end, and from damage caused by hard end, or broken skins. The pears shall also be free from serious damage caused by bruises, russetting, limbrubs, hail, scars, drought spot, sunburn, sprayburn, stings or other insect injury, disease, or mechanical or other means. (See paragraph (e) *Tolerances* and paragraph (f) *Condition after storage or transit* of this section.)

(3) "U. S. Combination Grade." A combination of U. S. No. 1 and U. S. No. 2 may be packed. When such a combination is packed, at least 50 percent of the pears in any container shall meet the requirements of U. S. No. 1. (See paragraph (e) *Tolerances* and paragraph (f) *Condition after storage or transit* of this section.)

(c) *Unclassified.* Unclassified shall consist of pears which have not been classified in accordance with any of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards, but is provided as a designation to show that no definite grade has been applied to the lot.

(d) *Definitions.* (1) "Mature" means that the pear has reached the stage of maturity which will insure the proper completion of the ripening process.

(2) Before a mature pear becomes overripe it will show varying degrees of firmness, depending upon the stage of the ripening process. Therefore, a statement of firmness should be given in order to indicate the stage of the ripening process. A description of the ground color should also be given.

(i) The following terms should be used for describing the ground color: "Green," "light green," "yellowish green," and "yellow."

(ii) The following terms should be used for describing the firmness of pears:

(a) "Hard" means that the flesh of the pear is solid and does not yield appreciably even to considerable pressure. Such pears are in suitable condition for long storage period for the variety.

(b) "Firm" means that the flesh of the pear is fairly solid but yields somewhat to moderate pressure. The ripening process in firm pears is further advanced than in hard pears and they cannot be held in storage as long.

(c) "Firm ripe" means that the flesh of the pear yields readily to moderate pressure. Such a pear is approaching the stage at which it is in prime eating condition but may be held for a brief period.

(d) "Ripe" means that the pear is at the stage where it is in its most desirable condition for eating.

(3) "Overripe" means dead ripe, very mealy or soft, past commercial utility.

(4) "Carefully handpicked" means that the pears do not show evidence of rough handling or of having been on the ground.

(5) "Clean" means free from excessive dirt, dust, spray residue or other foreign material.

(6) "Black end" is evidenced by an abnormally deep green color around the calyx, or black spots—usually occurring on the one-third of the surface nearest to

the calyx, or by an abnormally shallow calyx cavity.

(7) "Fairly well-formed" means that the pear may be slightly abnormal in shape but not to an extent which detracts materially from the appearance of the fruit.

(8) "Damage" means any injury or defect which materially affects the appearance, edible or shipping quality.

(i) Hard end, if the pear shows a distinctly constricted protrusion at the blossom end, or an abnormally yellow color at the blossom end, or an abnormally smooth rounded base with little or no depression at the calyx, or if the flesh near the calyx is abnormally dry and tough or woody.

(ii) Slight handling bruises and package bruises such as are incident to good commercial handling in the preparation of a tight pack shall not be considered damage.

(iii) Any pear with one skin break larger than $\frac{3}{16}$ inch in diameter or depth, or with more than one skin break $\frac{1}{8}$ inch or larger in diameter or depth shall be considered damaged, and scored against the grade tolerance.

(a) Small inconspicuous skin breaks, less than $\frac{1}{8}$ inch in diameter or depth, shall not be considered damage. In addition, not more than 15 percent of the pears in any container may have not more than one skin break from $\frac{1}{8}$ inch to $\frac{3}{16}$ inch, inclusive, in diameter or depth.

(iv) Russetting which exceeds the following shall be considered as damage:

(a) On all varieties excessively rough russetting (russetting which shows "frogging" or slight cracking) when the aggregate area exceeds $\frac{1}{2}$ inch in diameter.

(b) On Bartlett and other smooth-skinned varieties, slightly rough russetting, or thick russetting such as is characteristic of frost injury, when the aggregate area exceeds $\frac{3}{4}$ inch in diameter.

(c) On Bartlett and other smooth-skinned varieties, smooth solid or smooth netlike russetting when the aggregate area exceeds 15 percent of the surface.

(d) On Hardy, Sand and other similar varieties, rough or thick russetting such as is characteristic of frost injury, when the aggregate area exceeds $\frac{3}{4}$ inch in diameter. On any of these varieties any amount of characteristic russetting is permitted whether due to natural causes such as weather or stimulated by artificial means; leaf whips or light limbrubs which resemble and blend into russeted areas shall be considered as russet.

(v) Any one of the following defects or any combination thereof, the seriousness of which exceeds the maximum allowed for any one defect shall be considered as damage:

(a) Any limbrubs which are cracked, softened, or more than slightly depressed.

(b) Black discoloration caused by limbrubs, which exceeds an aggregate area of $\frac{3}{8}$ inch in diameter.

(c) Dark brown discoloration or excessive roughness caused by limbrubs which exceeds an aggregate area of $\frac{1}{2}$ inch in diameter.

(d) Slightly rough, light colored discoloration caused by limbrubs which ex-

ceeds an aggregate area of $\frac{3}{4}$ inch in diameter.

(e) Smooth, light colored discoloration caused by limbrubs which exceeds an aggregate area of 1 inch in diameter.

(f) Hail marks or other similar depressions of scars which are not shallow or superficial, or where the injury affects an aggregate area of more than $\frac{3}{8}$ inch in diameter.

(g) Drought spot when more than one in number, or when the external injury exceeds an aggregate area of $\frac{3}{8}$ inch in diameter, or when the appearance of the flesh is materially affected by corky tissue or brownish discoloration.

(h) Sunburn or sprayburn where the skin is blistered, cracked, or shows any light tan or brownish color, or the shape of the pear is appreciably flattened, or the flesh is appreciably softened or changed in color, except that sprayburn of a russet character shall be considered under the definition of russetting.

(i) Insects: (1) More than two healed codling moth stings, or any insect sting which is over $\frac{3}{32}$ of an inch in diameter, or other insect stings affecting the appearance to an equal extent.

(2) Blister mite or canker worm injury which is not shallow or superficial, or where the injury affects an aggregate area of more than $\frac{3}{8}$ inch in diameter.

(j) Disease: (1) Scab spots which are black and which cover an aggregate area of more than $\frac{1}{8}$ inch in diameter except that scab spots of a russet character shall be considered under the definition of russetting.

(2) Sooty blotch which is thinly scattered over more than 5 percent of the surface, or dark, heavily concentrated spots which affect an area of more than $\frac{3}{8}$ inch in diameter.

(9) "Seriously misshapen" means that the pear is excessively flattened or elongated for the variety, or is constricted or deformed so it will not cut three fairly uniform good quarters, or is so badly misshapen that the appearance is seriously affected.

(10) "Serious damage" means any injury or defect which seriously affects the appearance, edible or shipping quality.

(i) Russetting which in the aggregate exceeds the following shall be considered as serious damage:

(a) On all varieties, excessively rough russetting (russetting which shows "frogging" or slight cracking) when the aggregate area exceeds $\frac{3}{4}$ inch in diameter.

(b) On all varieties, thick russetting such as is characteristic of frost injury, 15 percent of the surface.

(ii) Any one of the following defects or combination thereof, the seriousness of which exceeds the maximum allowed for any one defect shall be considered as serious damage:

(a) Limbrubs which are more than slightly cracked, or excessively rough limbrubs or dark brown or black discoloration caused by limbrubs which exceeds an aggregate area of $\frac{3}{4}$ inch in diameter. Other limbrubs which affect an aggregate area of more than one-tenth of the surface.

(b) Hail marks or other similar depressions or scars which affect an aggregate area of more than $\frac{3}{4}$ inch in diam-

eter, or which materially deform or disfigure the fruit.

(c) Drought spot when more than two in number, or where the external injury affects an aggregate area of more than $\frac{3}{4}$ inch in diameter, or when the appearance of the flesh is seriously affected by corky tissue or brownish discoloration.

(d) Sunburn or sprayburn where the skin is blistered, cracked or shows any brownish color, or where the shape of the pear is materially flattened, or the flesh is softened or materially changed in color, except that sprayburn of a russet character shall be considered under the definition of russetting.

(e) Insects: (1) Worm holes. More than three healed codling moth stings, of which not more than two may be over $\frac{3}{32}$ inch in diameter, or other insect stings affecting the appearance to an equal extent.

(2) Blister mite or canker worm injury which affects an aggregate area of more than $\frac{3}{4}$ inch in diameter or which materially deforms or disfigures the fruit.

(f) Scab spots which are black and which cover an aggregate area of more than one-fourth inch in diameter, except that scab spots of a russet character shall be considered under the definition of russetting.

(g) Sooty blotch which is thinly scattered over more than 15 percent of the surface, or dark, heavily concentrated spots which affect an area of more than $\frac{3}{4}$ inch in diameter.

(e) Tolerances. (1) In order to allow for variations incident to proper grading and handling, not more than a total of 10 percent of the pears in any container may be below the requirements of grade: *Provided*, That not more than 5 percent shall be seriously damaged by insects, and not more than 1 percent shall be allowed for decay or internal breakdown.

(2) When applying the foregoing tolerances to the combination grade no part of any tolerance shall be used to reduce the percentage of U. S. No. 1 pears required in the combination, but individual containers may have not more than 10 percent less than the percentage of U. S. No. 1 required: *Provided*, That the entire lot averages within the percentage specified.

(f) Condition after storage or transit. Decay, scald, or other deterioration which may have developed on pears after they have been in storage or transit shall be considered as affecting condition and not the grade.

(g) Standard pack—(1) Sizing. (i) The numerical count, or the minimum size of the pears packed in closed containers shall be indicated on the package. The number of pears in the box shall not vary more than 3 from the number indicated on the box.

(ii) When the numerical count is marked on western standard or special pear boxes the pears shall not vary more than $\frac{3}{8}$ inch in their transverse diameter for counts 120 or less; $\frac{1}{4}$ inch for counts 135 to 180 inclusive; and $\frac{3}{16}$ inch for counts 193 or more.

(iii) When the numerical count is marked on western standard half boxes or special half boxes packed three tiers deep, the pears shall not vary more than

$\frac{1}{4}$ inch for counts 90 or less, and $\frac{3}{16}$ inch for counts 100 or more.

(iv) When the numerical count is marked on western standard half boxes or special half boxes packed two tiers deep, the pears shall not vary more than $\frac{3}{8}$ inch for counts 50 or less; $\frac{1}{4}$ inch for counts 55 to 60 inclusive; and $\frac{3}{16}$ inch for counts 65 or more.

(v) When the numerical count is not shown, the minimum size shall be plainly stamped, stenciled or otherwise marked on the container in terms of whole inches, whole and half inches, whole and quarter inches, or whole and eighth inches, as $2\frac{1}{2}$ inches minimum, $2\frac{3}{4}$ inches minimum, or $2\frac{5}{8}$ inches minimum, in accordance with the facts. It is suggested that both minimum and maximum sizes be marked on the container, as $2\frac{1}{4}$ to $2\frac{3}{4}$ inches, $2\frac{1}{2}$ to $2\frac{3}{4}$ inches, as such marking is especially desirable for pears marketed in the export trade.

(vi) "Size" means the greatest transverse diameter of the pear taken at right angles to a line running from the stem to the blossom end.

(2) Packing. (i) Each package shall be packed so that the pears in the shown face shall be reasonably representative in size and quality of the contents of the package.

(ii) Pears packed in any container shall be tightly packed. All packages shall be well filled but the contents shall not show excessive or unnecessary bruising because of overfilled packages.

(iii) Pears packed in boxes shall be arranged in containers according to the approved and recognized methods with the pears packed lengthwise. A bridge shall not be allowed in any standard pack. When wrapped, each pear shall be fairly well enclosed by its individual wrapper.

(iv) Pears packed in round stave bushel baskets, tubs or in barrels shall be ring faced.

(h) Tolerances for standard pack. (1) In order to allow for variations incident to proper sizing, not more than 5 percent of the pears in any container may not meet the size requirements: *Provided*, That when the maximum and minimum sizes are both stated, an additional 10 percent tolerance shall be allowed for pears which are larger than the maximum size stated.

(2) In order to allow for variations incident to proper packing, not more than 10 percent of the containers in any lot may not meet these requirements, but no part of this tolerance shall be allowed for bridge packs, or for packs with different sizes and arrangements such as layers of 195 size and arrangement, and layers of 180 size and arrangement packed in the same box. (54 Stat. 555, Pub. Law 422, 79th Cong., 7 U. S. C. 414)

Done at Washington, D. C., this 6th day of June 1947.

[SEAL] E. A. MEYER,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 47-5533; Filed, June 10, 1947; 8:45 a. m.]

PART 56—DRESSED POULTRY AND DRESSED DOMESTIC RABBITS AND EDIBLE PRODUCTS THEREOF (INSPECTION AND CERTIFICATION FOR CONDITION AND WHOLESOMENESS)

INSTRUCTIONS

By virtue of the authority vested in me by the revised rules and regulations governing the inspection and certification of dressed poultry and dressed domestic rabbits and edible products thereof for condition and wholesomeness (7 CFR and Supps. 56.1 et seq.) I hereby approve the publication in the FEDERAL REGISTER of the following instructions on sanitary requirements and requirements for equipment and facilities in official plants, operating under the aforesaid revised rules and regulations. These instructions were issued October 17, 1945, and are currently in effect pursuant to the aforesaid revised rules and regulations and the Department of Agriculture Appropriation Act, 1947 (Pub. Law 422, 79th Cong., 2d Sess., approved June 22, 1946)

§ 56.101 *Instructions on sanitary requirements and requirements for equipment and facilities governing plants operating as official plants processing and packaging dressed poultry and edible products thereof—(a) Definitions.* (1) "Rules and regulations in this part" means the revised rules and regulations governing the inspection and certification of dressed poultry and dressed domestic rabbits and edible products thereof for condition and wholesomeness (7 CFR and Supps. 56.1 et seq.)

(2) "National supervisor" means the national supervisor of the Poultry Inspection Section, Dairy and Poultry Inspection and Grading Division of the Dairy Branch of the Administration, in charge of the inspection service.

(3) All other terms which are used in this section shall have the meaning applicable to such terms when used in the rules and regulations in this part.

(b) *Facilities specified prior to construction.* When application has been made for inspection service, an examination of the plant and premises shall be made by the regional supervisor, or his assistant, and necessary facilities for inspection specified.

(c) *Drawings and specifications to be furnished in advance of construction.* (1) Copies of drawings, consisting of floor plans, showing the location of such features as the principal pieces of equipment, floor drains, and the routes of edible and inedible products to and from the eviscerating department, shall be submitted to the regional supervisor before the application for inspection is approved.

(2) The drawings should be prepared to scale, preferably $\frac{1}{4}$ inch a foot, and should show toilet and dressing rooms, store rooms, inspector's office, inedible product departments, and all rooms or compartments where poultry products or utensils will be kept or handled. Approval of the drawings should be obtained from the regional supervisor in advance of construction or remodeling.

(3) Specifications covering the height of the ceilings, character of the floors,

walls and ceilings, lighting and such other notations as the regional supervisor may require shall accompany the drawings.

(d) *Final survey.* Prior to the inauguration of inspection, a final survey of the plant and premises shall be made by the regional supervisor, or his assistant, to determine if the building has been constructed and facilities have been installed in accordance with the approved drawings and with the sanitary requirements contained in the instructions in this section. Sanitary requirements not specifically covered by the instructions in this section shall be left to the national supervisor or his assistant.

(e) *Separation of official plants from other plants.* Each official plant shall be completely separated from any other plant or building where drawn poultry or poultry products thereof are handled. No communications by means of doorways, windows, stairways, elevators, or passageways are permissible.

(f) *Sanitary requirements.* Each official plant shall be maintained in sanitary condition, and to this end the requirements of subparagraphs (1) to (7) inclusive of this paragraph shall be met. (1) There shall be abundant light, both natural and artificial, of good quality and well distributed, and sufficient ventilation for all rooms and compartments to insure sanitary conditions.

(2) There shall be an efficient drainage and plumbing system for the plant and premises, and all drains and gutters shall be properly installed with approved traps and vents.

(3) The water supply shall be ample, clean and potable, with adequate facilities for its distribution in the plant and its protection against contamination and pollution. Every official plant shall make known, and whenever required shall afford opportunity for inspection of, the source of its water supply, the storage facilities, and the distribution system.

(4) The floors, walls, ceilings, partitions, posts, doors and other parts of all structures shall be of such materials, construction and finish as will make them susceptible of being readily and thoroughly cleaned. The floors shall be kept watertight. The rooms and compartments used for edible products shall be separate and distinct from those used for inedible products, and from rooms where poultry is slaughtered and plucked. However, passageways or elevators which are used for edible products may also be used for the movement of inedible products, in suitable containers, from the official plant. When such inedible products are taken from inedible product departments, they shall be removed from the official plant without delay.

(5) The rooms and compartments in which any edible product is prepared or handled shall be free from dust and from odors from dressing and toilet rooms, catchbasins, and inedible tank and fertilizer rooms.

(6) Every practicable precaution shall be taken to exclude flies, rats, mice, and other vermin from official plants. The use of poisons for any purpose in

rooms or compartments where unpacked product is stored or handled is forbidden except under such restrictions and precautions as the national supervisor may prescribe. The use of bait poisons in inedible compartments, outbuildings, or similar places, or in storerooms containing canned or tierced products is not forbidden but only those approved by the national supervisor may be used. So-called rat viruses shall not be used in any part of an official plant or the premises thereof. Equipment or substances which generate gases or odors shall not be used except as specifically permitted by the national supervisor.

(7) Dogs and cats shall be excluded from official plants.

(g) *Facilities and accommodations.* The following minimum sanitary facilities and accommodations shall be furnished by every official plant:

(1) Dressing rooms, toilet rooms, and urinals shall be sufficient in number, ample in size, and conveniently located. The rooms shall be provided with windows to admit direct, natural light and shall have adequate facilities for artificial light. They shall be properly ventilated, and meet all requirements as to sanitary construction and equipment. They shall be separate from the rooms and compartments in which products are prepared, stored, or handled.

(2) Modern lavatory accommodations, including running hot and cold water, soap and towels. These shall be placed in or near toilet and urinal rooms and also at such other places in the establishment as may be essential to assure cleanliness of all persons handling product.

(3) Toilet soil lines shall be separate from house drainage lines to a point outside the buildings; and drainage from toilet bowls and urinals shall not be discharged into a grease catchbasin.

(4) Properly located facilities for cleansing and disinfecting utensils and hands of all persons handling any product.

(h) *Inspector's office.* Furnished office room, including light, heat, and janitor service, shall be provided by official plants, rent free, for the exclusive use for official purposes of the inspector and other division employees assigned thereto. The room or rooms set apart for this purpose shall meet with the approval of the regional supervisor and shall be conveniently located, properly ventilated, and provided with lockers suitable for the protection and storage of supplies and with facilities suitable for inspectors to change clothing.

(i) *Equipment and utensils.* (1) Equipment and utensils used for preparing, processing, and otherwise handling any product shall be of such materials and construction as will make them susceptible of being readily and thoroughly cleaned and such as will insure strict cleanliness in the preparation and handling of all products. So far as is practicable, such equipment shall be made of metal or other impervious material. Trucks and receptacles used for inedible materials shall be of similar construction and shall bear some conspicu-

ous and distinctive mark, and shall not be used for handling edible products.

(2) Tables, and other equipment on which inspection is performed, shall be of such design, material and construction as to enable inspectors to conduct their inspection in a ready, efficient and cleanly manner.

(3) Official plants shall provide watertight trucks or receptacles for holding and handling diseased carcasses and parts, so constructed as to be readily cleaned; such trucks or receptacles to be marked in a conspicuous manner with the words "U. S. condemned" in letters not less than 2 inches high and, when required by the regional supervisor, to be equipped with facilities for locking or sealing.

(4) Official plants shall provide suitable lockers in which brands and stamps bearing the inspection legend shall be kept when not in use. All such lockers shall be equipped with locks, the keys of which shall not leave the custody of the inspector in charge of the plant.

(j) *Operations, procedures, clothes, rooms.* (1) Operations and procedures involving the preparation, storing, or handling of any product shall be strictly in accord with cleanly and sanitary methods.

(2) Rooms, compartments, places, equipment, and utensils used for preparing, storing, or otherwise handling any product, and all other parts of the official plant, shall be kept clean and in sanitary condition. There shall be no handling or storing of materials which create an objectionable condition in rooms, compartments, or places where product is prepared, stored, or otherwise handled.

(3) Rooms, compartments, and receptacles in which carcasses and product may be held for further inspection shall be in such number and in such locations as the needs of the inspection in the official plant may require. They shall be equipped for secure locking and shall be held under locks, the keys of which shall not leave the custody of the inspector in charge of the plant. Every such room, compartment, or receptacle shall be marked conspicuously with the words "U. S. retained" in letters not less than two inches high. Rooms or compartments for these purposes shall be secure and susceptible of being kept clean, including sanitary disposal of the floor liquids.

(4) Rooms and compartments in which inspections are made or any product is processed or prepared shall be kept sufficiently free of steam and vapors to enable inspectors to make inspections and to insure cleanly operations. The walls, ceilings, and overhead structures of rooms and compartments in which product is prepared, handled, or stored shall be kept reasonably free from moisture.

(5) Aprons, frocks, and other outer clothing worn by persons who handle any product shall be of material that is readily cleaned, and only clean garments shall be worn.

(6) All necessary precautions shall be taken to prevent the contamination of products with any foreign substance (including, but not being limited to, per-

spiration, hair, cosmetics, and medications).

(7) Inspectors shall require the use of such protective coverings for product as it is distributed from official plants as will afford adequate protection for the product against contamination by any foreign substance (including, but not being limited to, dust, dirt, and insects), considering the means intended to be employed in transporting the product from the plant.

(8) Paper used for covering or lining barrels or other containers shall be of a kind which does not tear during use but remains intact when moistened by the product and does not disintegrate.

(9) Second-hand tubs, barrels, and boxes intended for use as containers of any product shall be inspected when received at the official plant and before they are cleaned. Those showing evidence of misuse rendering them unfit to serve as containers for food products shall be rejected. The use of those showing no evidence of previous misuse may be allowed after they have been thoroughly and properly cleaned. Steaming, after thorough scrubbing and rinsing, is essential to cleaning tubs and barrels.

(k) *Operating and storage rooms for inedible materials, outer premises.* All operating and storage rooms and departments of official plants used for inedible materials shall be maintained in acceptably clean condition. The outer premises of every official plant embracing areas where cars and vehicles are loaded, and the driveways, approaches, and alleys shall be drained and kept in clean and orderly condition. All catchbasins on the premises shall be of such construction and location and shall be given such attention as will insure their being kept in acceptable condition as regards odors and cleanliness. Catchbasins shall not be located in departments where the product is prepared, handled, or stored. The accumulation on the premises of official plants of any materials such as manure, bones, or offal in which flies may breed is forbidden. No nuisance shall be allowed in any official plant or on its premises.

(l) *Employment of diseased persons.* No official plant shall employ, in any department where any product is handled or prepared, any person affected with tuberculosis or other communicable disease in a transmissible stage.

(m) *Inspectors to have access to official plants at all times.* For the purpose of any examination or inspection necessary to enforce any of the provisions of the rules and regulations in this part and these instructions, inspectors shall have access at all times, by day or night, and whether the plant is operated or not, to every part (including but not being limited to the premises) of any official plant to which they are assigned.

(n) *Canning requirements.* (1) Containers shall be cleaned thoroughly immediately before filling; and precaution must be taken to avoid any subsequent soiling of the inner surfaces.

(2) Containers of metal, glass, or other material shall be washed in an inverted position with running water.

(3) Nothing less than perfect closure is acceptable for hermetically sealed con-

tainers. Heat processing shall follow promptly after closing.

(4) Careful inspection shall be made of the containers by competent plant employees immediately after closing, and containers which are defectively filled, defectively closed, or show inadequate vacuum, shall not be processed until the defect has been corrected. The containers shall again be inspected by plant employees, when they have cooled sufficiently for handling after processing by heating. The contents of defective containers shall be condemned unless correction of the defect is accomplished within six hours following the sealing of the containers or completion of the heat processing, as the case may be, except that: (i) If the defective condition is discovered during an afternoon run the cans of product may be held in coolers at a temperature not exceeding 38° F. under conditions that will promptly and effectively chill them until the following day when the defect may be corrected; (ii) short vacuum or overstuffed cans of product which have not been handled in accordance with the above may be incubated under the supervision of an inspector, after which the cans shall be opened and the sound product passed for food; and (iii) short vacuum or overstuffed cans of product of a class permitted to be labeled "Perishable, Keep Under Refrigeration" and which have been kept under adequate refrigeration since processing may be opened and the sound product passed for food.

(5) Canned products shall not be passed unless, after cooling to atmospheric temperature, they show the external characteristics of sound cans. Such cans shall not be overfilled; the ends shall be concave; there shall be no bulging; and there shall be no slack or loose tin.

(6) All canned products shall be plainly and permanently marked on the containers, by code or otherwise, with the identity of the contents and date of canning. The code used and its meaning shall be on record in the office of the inspector in charge.

(7) Canned product must be processed at such temperature and for such period of time as will assure keeping without refrigeration under usual conditions of storage and transportation when heating is relied on for preservation, with the exception of those canned products which are processed without steam-pressure cooking by permission of the national supervisor and labeled "Perishable, Keep Under Refrigeration"

(8) Lots of canned product shall be identified, during their handling preparatory to heat processing, by tagging the baskets, cages, or cans with a tag which will change color on going through the heat processing or by other effective means which will positively preclude failure to heat process after closing.

(9) Facilities shall be provided to incubate at least representative samples of fully processed canned product. The incubation shall consist of holding the canned product for at least 10 days at about 98° F.

(10) The extent to which incubation tests shall be required depends on conditions such as the record of the plant in

conducting canning operations, the extent to which the plant furnishes competent supervision and inspection in connection with the canning operations, the character of the equipment used, and the degree to which such equipment is maintained at maximum efficiency. Such factors shall be considered by the regional supervisor in determining the extent of incubation testing at a particular official plant.

(11) In the event of failure, by an official plant to provide suitable facilities for incubation of test samples, the inspector in charge may require holding of the entire lot under such conditions and for such period of time as may, in his discretion, be necessary to establish the stability of the product.

(12) The inspector in charge may permit lots of canned product to be shipped from the official plant prior to completion of sample incubation when he has no reason to suspect unsoundness in the particular lots, and under circumstances which will assure the return of the product to the plant for reinspection should such action be indicated by the incubation results.

(c) *Preparation of dog food or similar uninspected article at official plants; edible products department; inedible products department.* (1) When dog food, or similar uninspected article is prepared in an edible product department, there shall be sufficient space allotted and adequate equipment provided so that the preparation of the uninspected article in no way interferes with the handling or preparation of products. Where necessary, separate equipment shall be provided for the uninspected article. To assure the maintenance of sanitary conditions in the edible product departments, the operations incident to the preparation of the uninspected article will be subject to the same sanitary requirements that apply to all operations in the edible product departments. The preparation of the uninspected article shall be limited to those hours during which the plant generally operates under inspectional supervision. That is, there shall be no handling, other than receiving at the plant, of any of the meat, meat byproducts, or meat food product ingredient of the uninspected article, other than during the regular hours of inspection. The materials used in the preparation of the uninspected article shall not be such as would interfere with the inspection of product or the maintenance of sanitary conditions in the department. The uninspected article may be stored in, and distributed from, edible product department: *Provided*, That adequate facilities are furnished, that there is no interference with the maintenance of sanitary conditions, and that it is properly identified.

(2) When dog food, or similar uninspected article is prepared in a part of an official plant other than an edible product department, the area in which such product is prepared shall be separate and distinct from edible product departments. Edible or inedible byproducts (but not diseased carcasses or diseased parts thereof) may be brought from the eviscerating department into the area in which the uninspected arti-

cle is prepared, but there shall be no return of any product into an edible product department, excepting the finished product in sealed containers, or as provided in paragraph (f) (4) of this section. Trucks or containers shall be cleaned before being returned to an edible product department. Unoffensive finished and packaged dog food, or other uninspected product may be stored in and distributed from edible product departments, if packaged in clean, properly identified, sealed containers. Sufficient space must be allotted and adequate equipment provided so that the preparation of the uninspected article does not interfere with the proper functioning of the other operations of the plant. The preparation of the uninspected product must be such as not to interfere with the maintenance of general sanitary conditions on the premises and it shall be subject to inspectional supervision. However, the sanitary requirements given in these instructions for edible product departments shall not necessarily, in every respect, apply to inedible product departments.

(3) Dog food, or other animal food prepared in an inedible product department shall be distinguished from articles of human food, so as to avoid the distribution of such animal food as human food. To accomplish this, labeling of hermetically sealed, conventional retail size containers, as for example, "dog food" will be considered sufficient. If not in such containers, the product must not only be properly identified, but it must be of such character or so treated (denatured or decharacterized) as to be readily distinguishable from an article of human food.

(p) *Contamination of product by polluted water etc., procedure for handling.* (1) Any product which has been contaminated by polluted water (including, but not being limited to flood water and harbor water) shall be condemned.

(2) After the polluted water has receded, the official plant shall, under the supervision of an inspector, thoroughly cleanse all walls, ceilings, posts, and floors of the rooms and compartments involved, including the equipment therein. An adequate supply of hot water, under pressure, is essential for effective cleansing of the rooms and equipment. After cleansing, a solution of sodium hypochlorite containing approximately $\frac{1}{2}$ of 1% available chlorine (5,000 parts per million) or other disinfectant approved by the national supervisor should be applied to the surface of the rooms. Where the solution has been applied to equipment which will afterwards contact any product, the equipment shall be rinsed with clean water before being used. All metal should be rinsed with clean water to prevent corrosion.

(3) Hermetically sealed containers of product which has been submerged or otherwise contaminated by polluted water, shall be rehandled promptly under supervision of an inspector as follows:

(i) Separate and condemn all product, the containers of which are swollen, leaky, or otherwise suspicious.

(ii) Remove paper labels and wash the containers in warm soapy water, using a

brush where necessary to remove rust or other foreign material; immerse in a solution of sodium hypochlorite containing not less than 100 parts per million of available chlorine or other disinfectant approved specifically for this purpose by the national supervisor; and rinse in clean fresh water and dry thoroughly. Containers which show extensive rusting or corrosion, such as might materially weaken the container, shall if showing adequate vacuum be opened under the supervision of an inspector. Product from such cans which is found by the inspector to be sound and wholesome shall be passed for food.

(iii) After handling as in subdivision (ii) of this subparagraph the containers may be relacquered, if necessary, and then relabeled with approved labels applicable to the product therein.

(iv) The identity of the canned product shall be maintained throughout all stages of the rehandling operation to insure correct labeling of the containers.

These instructions were in effect prior to September 11, 1946.

(54 Stat. 555, Pub. Law 422, 79th Cong., 7 U. S. C. 414)

Issued at Washington, D. C. this 6th day of June 1947.

[SEAL]

E. A. MEYER,
Assistant Administrator

[F. R. Doc. 47-5535; Filed, June 10, 1947; 8:45 a. m.]

PART 56—DRESSED POULTRY AND DRESSED DOMESTIC RABBITS AND EDIBLE PRODUCTS THEREOF (INSPECTION AND CERTIFICATION FOR CONDITION AND WHOLESOMENESS)

FORM OF APPLICATION FOR INSPECTION

§ 56.102 *Form of application for inspection.* (a) Whenever any person desires that authority be granted for the inspection of dressed poultry and dressed domestic rabbits and edible products thereof, for condition and wholesomeness, pursuant to the regulations of this part, he shall apply for such authority by submitting to the Assistant Administrator a properly completed application, in duplicate, in the following form:

APPLICATION FOR INSPECTION OF DRESSED POULTRY AND DRESSED DOMESTIC RABBITS AND EDIBLE PRODUCTS THEREOF FOR CONDITION AND WHOLESOMENESS

Application is hereby made, in accordance with the revised rules and regulations governing the inspection and certification of dressed poultry and dressed domestic rabbits and edible products thereof for condition and wholesomeness (7 CFR and Supps. 50.1 et seq.), for inspection of products at the following designated plant:

Name of plant _____
Street address _____
City and State _____

(a) In making this application the applicant agrees to conform to the aforesaid rules and regulations and such instructions governing inspection and certification of products as may be issued by the Assistant Administrator. The applicant also agrees to and accepts the following provisions and conditions incident to such inspection:

(1) Inspectors will be provided to make inspections of such products; and a dressed poultry or dressed domestic rabbit inspection certificate, covering each lot of dressed poultry or dressed domestic rabbits inspected, will be furnished.

(2) When desired by the applicant, a food product inspection certificate or an export certificate, or both, will be furnished with respect to any inspected and certified edible product.

(3) Payment for inspection service covering the full costs of such service shall be made by the applicant to the Administration not later than thirty (30) days from date of billing. The full costs shall comprise such of the following items as are included in the invoice or invoices covering the period during which the inspection service is rendered:

(i) The amount of the salary of each inspector who is provided to perform the inspection service;

(ii) An amount to cover all annual leave accrued by each such inspector while performing the inspection service at the designated plant;

(iii) An amount to cover all sick leave taken by each such inspector to the extent sick leave accrued during the performance of the inspection service at the designated plant;

(iv) Traveling and subsistence expenses incurred by the Administration in connection with each such inspector performing the inspection service covered by this application;

(v) An amount equal to fifteen (15%) percent of the total of the amounts prescribed in (i), (ii) and (iii) of this paragraph (3) to cover the approximate overhead for administrative and other costs and expenses incurred by the Administration in rendering inspection service pursuant to the aforesaid rules and regulations;

(vi) Such costs as may be incurred by the Administration in providing a period of training for each person assigned as an inspector in the designated plant; and

(vii) A pro rata part of the salaries of the regional supervisors and assistant regional supervisors of the poultry inspection service.

(4) All products handled by the applicant at the designated plant shall be inspected for condition and wholesomeness; and no edible product which had not been inspected for condition and wholesomeness shall be brought into such plant.

(5) The applicant shall furnish such records of processing, packaging, and output of products as may be requested by the Administration.

(6) The applicant will furnish such stenographic and clerical assistance as may be necessary in typing certificates and handling correspondence in connection with the inspection service covered by this application.

(7) Whenever operations at the designated plant are temporarily discontinued, any inspector furnished by the Administration to perform inspection service at such plant may perform such disease or quality control services as may be deemed appropriate by the Administration and agreed to by the applicant.

(8) The Administration will not be responsible for damages accruing through any errors of commission or omission on the part of its inspectors when engaged in rendering inspection service.

(9) The inspection service herein applied for shall be provided at the designated plant and shall be continued until the service is suspended, withdrawn, or terminated (i) by mutual consent; (ii) by thirty (30) days' written notice given by either party to the other party specifying the date of termination; (iii) pursuant to the aforesaid rules and regulations; (iv) upon one (1) day's written notice by the Administration to the applicant, if the applicant fails to honor any invoice within thirty (30) days after date of invoice covering the costs of the

inspection service as herein provided, or if applicant fails to comply with the terms and conditions hereof.

(b) Additional conditions:

(c) All terms used herein shall have the meaning applicable to such terms when used in the aforesaid rules and regulations and instructions.

By _____
(Applicant)
By _____
(Street)
(City) (State)
Approved: _____
(Date)
By _____
(Title)
*Production and Marketing Administration,
U. S. Department of
Agriculture.*

(b) The provisions of this section shall become effective thirty (30) days after publication in the FEDERAL REGISTER.

(54 Stat. 555, Pub. Law 422, 79th Cong., 7 U. S. C. 414)

Issued at Washington, D. C. this 6th day of June 1947.

[SEAL] E. A. MEYER,
Assistant Administrator, Pro-
duction and Marketing Ad-
ministration.

[F. R. Doc. 47-5532; Filed, June 10, 1947;
8:45 a. m.]

Chapter III—Bureau of Entomology and Plant Quarantine, Department of Agriculture

[B. E. P. Q. 561]

PART 301—DOMESTIC QUARANTINE NOTICES MEXICAN FRUITFLY QUARANTINE; EXTEN- SION OF HARVESTING SEASON

Introductory note. The following administrative instructions extend to June 30, 1947, the harvesting season for grapefruit, sweet limes, and "sour" and "bittersweet" oranges produced in the area regulated by the Mexican fruitfly quarantine. This action is taken to permit the planned and orderly marketing of the remainder of the season's crop of fruit. It is deemed safe inasmuch as sterilization of grapefruit from Cameron, Hidalgo, and Willacy Counties will continue to be required during the extended period.

§§ 301.64-4e and 5c *Administrative instructions relative to the Mexican fruitfly quarantine.* Pursuant to the authority conferred upon the Chief of the Bureau of Entomology and Plant Quarantine by paragraph (a) of § 301.64-5 (Notice of Quarantine No. 64), *It is hereby ordered,* That the harvesting season for grapefruit, sweet limes, and "sour" and "bittersweet" oranges be extended to midnight of June 30, 1947, and that the host-free period for these fruits shall begin at 12:01 a. m., July 1, 1947.

Pursuant to the authority conferred upon the Chief of the Bureau of Entomology and Plant Quarantine by paragraph (e) of § 301.64-4 (Notices of Quarantine No. 64), the requirements of the

administrative instructions effective April 24, 1947 (B. E. P. Q. 560) 12 F. R. 2623, pertaining to the sterilization of grapefruit from the Texas counties of Cameron, Hidalgo, and Willacy are hereby extended to June 30, 1947.

(Sec. 8, 37 Stat. 318, 39 Stat. 1165, 44 Stat. 250; 7 U. S. C. 161, 7 CFR, 1945 Supp., 301.64-4 and 5)

Compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 60 Stat. 237) is impractical and contrary to the public interest in that the time intervening between the date when information upon which these instructions are based become available and the time when they must become effective to permit planned and orderly marketing of the remainder of this season's crop of fruit is insufficient for such compliance. In addition, these provisions are in the nature of relaxation of existing requirements.

Effective June 15, 1947.

Done at Washington, D. C., this 2d day of June 1947.

[SEAL] P. N. ANTHAND,
Chief, Bureau of Entomology
and Plant Quarantine.

[F. R. Doc. 47-5531; Filed, June 10, 1947;
8:48 a. m.]

TITLE 10—ARMY. WAR DEPARTMENT

Chapter VI—Organized Reserves

PART 601—OFFICERS' RESERVE CORPS

MEDICAL DEPARTMENT RESERVE

Amend § 601.3 (c) by adding subparagraphs (7) and (8) as follows:

§ 601.3 *Sections of the Officers Reserve Corps.* * * *

(c) Medical Department Reserve. * * *

(7) Army Nurse Corps, ANC-Res.

(8) Women's Medical Specialist Corps, WMS-Res (including dietitians and physical therapists).

[WD Cir. 356, Dec. 4, 1946, as amended by Cir. 134, May 28, 1947] (Sec. 37, 39 Stat. 189, 40 Stat. 73, sec. 3, 48 Stat. 939; Pub. Law 36, 80th Cong., 10 U. S. C. 353)

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 47-5503; Filed, June 10, 1947;
8:47 a. m.]

Chapter VII—Personnel

PART 709—PRESCRIBED SERVICE UNIFORM

MISCELLANEOUS AMENDMENTS

Part 709, Chapter VII, Title 10, Code of Federal Regulations, is amended in the following respects:

1. Revoke §§ 709.39 and 709.40.

2. In § 709.72 paragraph (a) (2) is amended and paragraph (a) (8) (iii) is added as follows:

§ 709.72 *Summer service uniforms—*
(a) *Officers and warrant officers.* * * *

(2) *Jackets, service—*(1) *Nurses, physical therapists and dietitians.* Jacket, service, summer, nurse's dark olive-drab or jacket, field, summer, except when waist without jacket is authorized.

(11) *Women's Army Corps and women medical officers.* Jacket, WAC, summer, officer's or jacket, field, summer, except when waist without jacket is authorized.

(8) * * *

(111) *Pumps, brown, leather, of commercial design, with closed toe and heel.*

3. In § 709.73 paragraph (c) is added as follows:

§ 709.73 *Optional service uniforms for nurses, physical therapists and dietitians.* * * *

(c) *Women's Army Corps sun tan uniform.* The Women's Army Corps officers' sun tan summer uniform may be worn in lieu of either the beige summer service uniform, the seersucker summer service uniform, or the uniform, summer, dark olive-drab, at the option of the individual.

4. In § 709.75 paragraphs (c) (1) to (c) (3) inclusive, are superseded by the following:

§ 709.75 *Jackets.* * * *

(c) *Jacket, field, women's—*(1) *General description.* A single-breasted jacket with fly-front closing and peaked style lapel collar. To fit easily over the bust, with shoulders padded to give a trim square line; the waist to be fitted by means of a band 1¼ inches in width extending all around the garment and fastening 3 inches to left of center front by means of snap or gripper. The fullness of the body of the coat is to be worked into the waist band by two flat darts on each side of the front and two flat shorter darts on each side of the back. Jacket to have a buttonhole tab placed inside the waist band at the center back, to button to the shirt waist band, to keep the jacket in place.

(2) *Collar and lapel.* The collar to measure approximately 13 inches for a size 14 from notch to notch. The collar not to exceed a width of 1½ inches at center back.

(3) *Pockets.* (i) Jacket to have two upper outside patch pockets covered with flaps and buttoned with fly tabs. The pockets will be slightly rounded at the lower corners, with a box pleat 1 inch in width on vertical center line. The flaps to be slightly rounded at the corners and reaching to a slight point at the center. The pockets will be of suitable size according to the size of the jacket, but in no case will they exceed the following dimensions: Depth: 5¾ inches; width at top and bottom: 5½ inches.

(ii) One inside hanging pocket on the right side set into the lining.

[AR 600-37, Apr. 16, 1945 as amended by C 7, May 19, 1947] (R. S. 1296; 10 U. S. C. 1391)

[SEAL] EDWARD F WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 47-5504; Filed, June 10, 1947; 8:47 a. m.]

TITLE 15—COMMERCE

Chapter I—Bureau of the Census, Department of Commerce

[Foreign Commerce Statistical Decision 61]

PART 30—FOREIGN TRADE STATISTICS

STATISTICAL REPORTS FURNISHED TO COLLECTORS

Pursuant to section 4 of the Administrative Procedure Act, approved June 11, 1946 (Public Law 404, 79th Cong., 2d Sess.) it is found that notice and public procedure are unnecessary in regard to the promulgation of the Foreign Commerce Statistical Decision inducted herein for the reason that such decision involves agency management. Effective immediately, § 30.3 of regulations for the Collection of Statistics of Foreign Commerce and Navigation of the United States is hereby amended to read as follows:

§ 30.3 *Statistical reports furnished to collectors.* (a) The Bureau of the Census will supply each collector monthly with reports of imports into his district in the form of machine tabulations showing the entry number for each item imported with district, port, commodity, country, etc., being in code numbers. Information contained in these reports shall be for the collector's use only and shall not be disclosed to the public.

(b) In addition, the Bureau of the Census will supply each collector monthly with summary statistical reports of the imports into and exports from his district in the form of machine tabulations by commodities and countries, with the district, commodity, and country being in code numbers. Information on these reports which are to be filed by collectors may be made available to the public upon request.

(R. S. 161, Sec. 4, 32 Stat. 826; 5 U. S. C. 22, 601)

This decision is effective immediately.

J. C. CAPT,
Director

[F. R. Doc. 47-5501; Filed, June 10, 1947; 8:46 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 51694]

PART 6—AIR COMMERCE REGULATIONS

DESIGNATION OF INTERNATIONAL FALLS MUNICIPAL AIRPORT, INTERNATIONAL FALLS, MINN., AS AIRPORT OF ENTRY

JUNE 4, 1947.

The International Falls Municipal Airport, International Falls, Minnesota, is hereby designated as an airport of entry for civil aircraft and merchandise carried thereon arriving from places outside the United States, as defined in section 9 (b) of the Air Commerce Act of 1926 (U. S. C. Title 49, sec. 179 (b)) for a period of 1 year from June 1, 1947.

The list of temporary airports of entry in § 6.13, Customs Regulations of 1943 (19 CFR, Cum. Supp., 6.13) as amended,

is hereby further amended by inserting therein the location and name of this airport, date designated, and the period "1 year."

Notice of the proposed designation of this airport as an airport of entry was published in the FEDERAL REGISTER on May 3, 1947 (12 F. R. 2998). The designation shall be effective on June 1, 1947, the delayed effective date requirements of section 4 (c) of the Administrative Procedure Act (Pub. Law 404, 79th Cong.) being dispensed with because the use of the airport at the earliest possible date is required by the public convenience and necessity. The designation of this airport is based on a determination that a sufficient need exists to justify such designation and the designation is made for the purpose of providing for convenient compliance with customs requirements.

(Sec. 7 (b) 44 Stat. 572, sec 611, 58 Stat. 714; 49 U. S. C. Sup., 177 (b))

[SEAL] E. H. FOLEY, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 47-5497; Filed, June 10, 1947; 8:46 a. m.]

TITLE 24—HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

[Housing Expediter Priorities Reg. 5, as Amended Feb. 13, 1947, Amdt. 3]

PART 803—PRIORITIES REGULATIONS UNDER VETERANS' EMERGENCY HOUSING ACT OF 1946*

AUTHORIZATION AND PRIORITIES ASSISTANCE FOR HOUSING

Section 803.5 Housing Expediter Priorities Regulation 5, is amended by deleting paragraph (g) in its entirety.

The inspection of dwellings constructed or to be constructed pursuant to authorization obtained under Housing Expediter Priorities Regulation 5 or any other regulation authorizing housing construction, is discontinued.

(60 Stat. 207; 50 U. S. C. App. Sup. 1821)

Issued this 10th day of June 1947.

OFFICE OF THE HOUSING
EXPEDITER,
By JAMES V SARCONE,
Authorizing Officer

[F. R. Doc. 47-5535; Filed, June 10, 1947; 10:05 a. m.]

[Suspension Order S-47]

PART 807—SUSPENSION ORDERS CONRAD CONSTRUCTION CO.

Rotary Coffee Company, Inc., 374 West Spring Street, Columbus, Ohio, is an Illinois corporation engaged in the business of wholesaling coffee, tea, spices, the processing and packaging of coffee and the sale and servicing of coffee urns and similar equipment. Cecil W Conrad, 1614 Waltham Road, Columbus, Ohio, is a contractor doing business as Conrad Construction Company. Rotary Coffee Company, Inc., as owner, and Cecil W

Conrad, d/b/a Conrad Construction Company, as contractor, on or about February 15, 1947, without authorization, began construction and thereafter until about April 8, 1947, continued construction of an addition to an existing building, the greatest part of the floor area of which building is to be used for commercial purposes; namely, wholesaling coffee and kindred food products and equipment, located at 374 West Spring Street, Columbus, Ohio, the estimated cost of which construction was in excess of \$1,000. The beginning and carrying on of construction as aforesaid constituted a wilful violation of Veterans' Housing Program Order 1. This violation has diverted critical materials to uses not authorized by the Office of the Housing Expediter. In view of the foregoing, it is hereby ordered that:

§ 807.47 Suspension Order No. S-47.

(a) Neither Rotary Coffee Company, Inc., nor Cecil W. Conrad, d/b/a Conrad Construction Company, their successors or assigns, nor any other person shall do any further construction on the building located at 374 West Spring Street, Columbus, Ohio, including the putting up, completing or altering of said structure, unless hereafter specifically authorized in writing by the Office of the Housing Expediter.

(b) Rotary Coffee Company, Inc., and Cecil W. Conrad, d/b/a Conrad Construction Company, shall refer to this order in any application or appeal which they may file with the Office of the Housing Expediter for Authorization to carry on construction.

(c) Nothing contained in this order shall be deemed to relieve Rotary Coffee Company, Inc., and Cecil W. Conrad, d/b/a Conrad Construction Company, their successors and assigns, from any restriction, prohibition, or provision contained in any other order or regulation of the Office of the Housing Expediter, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 10th day of June 1947.

OFFICE OF THE HOUSING
EXPEDITER,
By JAMES V. SARCONI,
Authorizing Officer

[F. R. Doc. 47-5592; Filed, June 10, 1947;
10:06 a. m.]

Order 1 were explained to Adam Ferrare orally and by letter. Work on this construction was terminated temporarily but was begun again, and further work by way of an addition to the original structure was begun in 1947. The beginning construction of this restaurant and living quarters was a violation of Veterans' Housing Program Order 1, and the continuing work and the beginning of the further addition to this structure after warning and correspondence with the Civilian Production Administration constituted a wilful violation of Veterans' Housing Program Order 1. This violation has diverted critical materials to uses not authorized by the Office of the Housing Expediter. In view of the foregoing, it is hereby ordered that:

§ 807.49 Suspension Order No. S-49.
(a) The temporary suspension order issued by telegram dated April 24, 1947, addressed to Adam Ferrare, 8 Tucker Avenue, Wakefield, Rhode Island, is hereby revoked.

(b) Neither Adam Ferrare, his successors or assigns, nor any other person shall do any further construction on the building owned by him and located on Angel Road, Point Judith, Rhode Island, including completing, putting up, or altering of any structure located thereon unless hereafter specifically authorized in writing by the Office of the Housing Expediter.

(c) Adam Ferrare shall refer to this order in any application or appeal which he may file with the Office of the Housing Expediter or any other Federal agency for authorization to carry on construction.

(d) Nothing contained in this order shall be deemed to relieve Adam Ferrare, his successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Office of the Housing Expediter, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 10th day of June 1947.

OFFICE OF THE HOUSING
EXPEDITER,
By JAMES V. SARCONI,
Authorizing Officer.

[F. R. Doc. 47-5593; Filed, June 10, 1947;
10:06 a. m.]

TITLE 25—INDIANS

Chapter I—Office of Indian Affairs, Department of the Interior

Subchapter I—Irrigation Projects: Operation and Maintenance

PART 130—OPERATION AND MAINTENANCE CHARGES

FLATHEAD INDIAN IRRIGATION PROJECT, MONTANA

JUNE 3, 1947.

On April 15 there was published in the daily issue of the *FEDERAL REGISTER* (12 F. R. 2439) a notice of intention to modify §§ 130.24, 130.26 and 130.28 prescribing annual operation and maintenance as-

sessments applicable to lands within the jurisdiction of three irrigation districts on the Flathead Indian Irrigation Project, Montana. Interested persons were thereby given opportunity to participate in preparing the proposed amendments by submitting their views and data or arguments within 30 days from the date of the publication of the notice. No comments, oral or written, having been received within the prescribed period, the said sections have been amended and are published as follows, effective for the calendar year 1948 and thereafter until further notice:

§ 130.24^o Charges. Pursuant to a contract executed by the Flathead Irrigation District, Flathead Indian Irrigation Project, Montana, on May 12, 1923, as supplemented by later contracts dated February 27, 1929, March 28, 1934, and August 26, 1936, notice is hereby given that an assessment of \$133,700 is fixed for the season of 1948 for the operation and maintenance of the irrigation system which serves that portion of the project within the confines of the Flathead Irrigation District. This assessment involves an area of approximately 67,462.4 acres; does not include any land held in trust for Indians, and covers all proper general charges and project overhead.

§ 130.26 Charges. Pursuant to a contract executed by the Mission Irrigation District, Flathead Indian Irrigation Project, Montana, on March 7, 1931, approved by the Secretary of the Interior on April 21, 1931, as supplemented by later contracts dated June 2, 1934 and August 26, 1936, notice is hereby given that an assessment of \$25,400 is fixed for the season of 1948 for the operation and maintenance of the irrigation system which serves that portion of the project within the confines of the Mission Irrigation District. This assessment involves an area of approximately 12,523.0 acres; does not include any lands held in trust for Indians, and covers all proper general charges and project overhead.

§ 130.28 Charges. Pursuant to a contract executed by the Jocko Valley Irrigation District, Flathead Indian Irrigation Project, Montana, on November 13, 1934, approved by the Secretary of the Interior on February 26, 1935, as supplemented by a later contract dated August 26, 1936, notice is hereby given that an assessment of \$10,400 is fixed for the season of 1948 for the operation and maintenance of the irrigation system which serves that portion of the project within the confines of the Jocko Valley Irrigation District. This assessment involves an area of 5,366.1 acres; does not include any land held in trust for Indians, and covers all proper general charges and project overhead.

(38 Stat. 583, 39 Stat. 142, 45 Stat. 212, 46 Stat. 291; 25 U. S. C. 385, 387)

WILLIAM ZIMMERMAN, JR.,
Acting Commissioner.

[F. R. Doc. 47-5487; Filed, June 10, 1947;
8:56 a. m.]

[Suspension Order S-49]

PART 807—SUSPENSION ORDERS

ADAM FERRARE

Adam Ferrare of 8 Tucker Avenue, Wakefield, Rhode Island, began construction in May of 1946 of a one and a half story building to contain a restaurant and living quarters located on Angel Road, Point Judith, Rhode Island, the estimated cost of which was substantially in excess of \$1,000, without authorization from the Civilian Production Administration. The provisions and restriction of Veterans' Housing Program

TITLE 42—PUBLIC HEALTH**Chapter I—Public Health Service,
Federal Security Agency****PART 10—GRANTS FOR SURVEY, PLANNING
AND CONSTRUCTION OF HOSPITALS¹****MISCELLANEOUS AMENDMENTS**

1. Section 10.1 (b) is amended to read as follows:

§ 10.1 Definitions * * *

(b) *Base area.* Any area which is so designated by the State Agency and has the following characteristics: (1) Irrespective of the population of the area, it shall contain a teaching hospital of a medical school; this hospital must be suitable for use as a base hospital in a coordinated hospital system within the State; or (2) the area has a total population of at least 100,000 and contains or will contain on completion of the hospital construction program under the State plan at least one general hospital which has a complement of 200 or more beds for general use. This hospital must furnish internships and residencies in two or more specialties and must be suitable for use as a base hospital in a coordinated hospital system within the State.

2. Section 10.51 is amended to read as follows:

§ 10.51 *General.* Plans and specifications for each project submitted to the Surgeon General for approval under the Federal Act shall be prepared in accordance with the 'General Standards of Construction and Equipment' for hospitals of different classes and in different types of locations as prescribed by the Surgeon General set forth in Appendix A. The Surgeon General may approve plans and specifications which contain deviations from the requirements prescribed, if he is satisfied that the purposes of such requirements have been fulfilled.

The design and construction covered by the plans and specifications must conform with the applicable State and local laws, codes, and ordinances and with the approved State plan. The plans and specifications must be complete and adequate for contract purposes and have the approval and recommendation of the State Agency.

Equipment shall be provided in the kind and to the extent necessary for the proper functioning of the facility as planned.

3. Section 10.77 (c) is amended to read as follows:

§ 10.77 Processing construction applications. * * *

(c) *Assurances from applicant.* In addition to assurance otherwise required by the State Agency, before approving an application, the State Agency must have assurance from the applicant:

(1) That actual construction work will be performed by the lump sum (fixed price) contract method, that adequate methods of obtaining competitive bidding will be or have been employed prior to awarding the construction contract, either by public advertising or circulariz-

ing three or more bidders, and that the award of the contract will be or has been made to the responsible bidder submitting the lowest acceptable bid;

(2) That the construction contracts will prescribe the minimum rates of pay for laborers and mechanics engaged in construction of the project as determined by the Secretary of Labor and that such minimum rates will be stated in the specifications advertised in the call for bids on the proposed project;

(3) That the requirement that each contractor or subcontractor shall furnish a weekly sworn affidavit with respect to the wages paid each employee during the preceding week, as required by 48 Stat. 948 (40 U. S. C. 276 (b) and 276 (c)) and the regulations issued pursuant thereto, will be incorporated in the project specifications and made a part of the construction contract;

(4) That the project will not be advertised or placed on the market for bidding until the final working drawings and specifications have been approved by the Surgeon General and the applicant has been so notified;

(5) That no construction contract or contracts for the project or a part thereof, the cost of which is in excess of the estimated cost approved in the application for that portion of the work covered by the plans and specifications, will be entered into without the prior approval of the Surgeon General;

(6) That the construction contract will require the contractor to furnish performance and payment bonds, the amount of which shall each be in an amount not less than fifty per centum (50%) of the contract price, and to maintain during the life of the contract adequate fire, workmen's compensation, public liability and property damage insurance;

(7) That any change or changes in the contract which (i) makes any major alteration in the work required by the plans and specifications, or (ii) raises the total contract price over the approved estimate of cost of the work covered by the plans and specifications will be submitted to the Surgeon General for prior approval;

(8) That the construction contract will provide that the Surgeon General, the State Agency and their representatives will have access at all times to the work wherever it is in preparation or progress and that the contractor will provide proper facilities for such access and inspection;

(9) That the applicant will provide and maintain competent and adequate architectural or engineering supervision and inspection at the project to insure that the completed work conforms with the approved plans and specifications; and

(10) That the hospital, when completed, will be operated and maintained in accordance with minimum standards prescribed by the State Agency for the maintenance and operation of hospitals aided under the Federal Act.

Provided: That the State Agency, with the prior approval of the Surgeon General may waive technical compliance with any of the requirements of this paragraph except subparagraph (1) if

it finds that the purpose of such requirement has been fulfilled.

4. Section 10.77 (d) (1) (ii) is amended to read as follows:

§ 10.77 Processing construction applications. * * *

(d) *Certification to the Surgeon General. * * **

(1) * * *

(ii) To assure the availability of funds for maintenance and operation, the application for the construction of a new project must include a proposed operating budget, on a form prescribed by the Surgeon General, for the two year period immediately following its completion. In the case of an addition to an existing facility, the application must include a statement showing that funds are or will be available to meet the difference between proposed expenditures and anticipated income from the operation of the constructed addition for the two year period immediately following its completion.

5. Section 10.78 (a) is amended to read as follows:

§ 10.78 *Requests for construction payments—(a) Certification by State Agency.* The State Agency shall certify to the Surgeon General the amount of payments due to an applicant for the cost of work performed and materials and equipment furnished.

Requests for payment under the construction contract shall be submitted in each of three stages, as follows:

(1) The first installment when not less than 25 percent of the work of construction of the building has been completed.

(2) The second installment when the mechanical work has been substantially roughed in, and

(3) The third installment when work under the construction contract is completed and final inspection made.

Requests for payment of the Federal share of other allowable costs such as architect's fee, inspection cost, and cost of equipment shall be included in requests for payments made at one or more of the stages indicated in this paragraph.

All costs that have not been determined at the time the third payment for work performed under the construction contract is requested shall form the basis of a request for final payment of the Federal share of the entire project.

With the consent of the Surgeon General, the State Agency may adopt a different schedule of payments, but in no case shall such payments be less frequent than those scheduled in this paragraph.

The above amendments were approved by the Federal Hospital Council at a meeting held May 20, 1947.

[SEAL]

THOMAS PARRAN,
Surgeon General.

Approved:

THOMAS PARRAN,
Chairman,
Federal Hospital Council.

Approved: June 5, 1947.

WATSON B. MILLER,
Federal Security Administrator

[F. R. Doc. 47-5509; Filed, June 10, 1947;
8:45 a. m.]

¹ 12 F. R. 980.

Chapter II—United States Children's Bureau, Federal Security Agency

**PART 203—CHILD WELFARE SERVICES
EXPENDITURES**

By virtue of the authority vested in the Commissioner for Social Security by sec. 1102, 49 Stat. 647, 42 U. S. C. 1302; sec. 521, 49 Stat. 633, as amended by sec. 507, 53 Stat. 1381, 42 U. S. C. 721 and sec. 401, 60 Stat. 986; sec. 1, Reorganization Plan No. 2 of 1946, 11 F. R. 7873; Agency Order No. 9, 12 F. R. 479, the last sentence of § 203.6 of the regulations relating to Child-Welfare Services (42-CFR, Cum. Supp., 203.6) is amended to read as follows: "A State shall not expend such funds to pay for the cost of care of children in boarding homes or institutions which provide care for children except, subject to appropriate conditions specified in the State plan, with respect to temporary care in boarding homes or projects for care in such homes for special groups of children to meet particular needs."

The foregoing amendment shall become effective on the date of the publication of this order in the FEDERAL REGISTER.

(Sec. 1102, 49 Stat. 647, sec. 521, 49 Stat. 633 as amended by sec. 507, 53 Stat. 1381 and sec. 401, 60 Stat. 986; 42 U. S. C. 1302, 721, sec. 1, Reorg. Plan No. 2 of 1946, 11 F. R. 7873)

Dated: June 3, 1947.

[SEAL] W. L. MITCHELL,
Acting Commissioner

Approved: June 5, 1947.

MAURICE COLLINS,
Acting Federal Security
Administrator.

[F. R. Doc. 47-5508; Filed, June 10, 1947;
8:47 a. m.]

**TITLE 43—PUBLIC LANDS:
INTERIOR**

**Chapter II—Bureau of Reclamation,
Department of the Interior**

PART 402—ANNUAL WATER CHARGES

BOISE IRRIGATION PROJECT, ARROWROCK
DIVISION, ANDERSON RANCH RESERVOIR,
IDAHO

CROSS REFERENCE: For an addition to the tabulation in § 402.2, see F. R. Doc. 47-5488, Department of the Interior, Bureau of Reclamation, in Notices section, *infra*.

TITLE 46—SHIPPING

**Chapter I—Coast Guard: Inspection
and Navigation**

Subchapter D—Tank Vessels

[CGFR 47-33]

**PART 37—SPECIFICATIONS FOR LIFESAVING
APPLIANCES**

ELECTRIC WATER LIGHTS

By virtue of the authority vested in me by R. S. 4405 and 4417a, as amended (46 U. S. C. 375, 391a) section 101 of Reorganization Plan No. 3 of 1946 (11 F. R. 7875) I find that an emergency exists and the following amendment to the Tank Vessel Regulations shall be made effective on the date of publication of this document in the FEDERAL REGISTER.

Section 375-1 *Automatic electric water lights TB/ALL* is amended in the second sentence by changing the date "July 1, 1947" to "January 1, 1949." (For text of section see FEDERAL REGISTER of August 23, 1945, 10 F. R. 10365, as amended October 2, 1945, 10 F. R. 12403, December 19, 1945, 10 F. R. 15174, July 2, 1946, 11 F. R. 7346, and January 1, 1947, 12 F. R. 31.)

This amendment to the Tank Vessel Regulations is published without prior general notice of its proposed issuance for the reason notice and public rule making procedure in connection therewith are hereby found to be impracticable. Because no manufacturer has submitted an automatic electric water light meeting the requirements of the U. S. Coast Guard Specification for Lights (Water) Electric, Floating, Automatic (With Bracket for Mounting) there is not available any approved types of automatic electric water lights which comply with the specification. This amendment postpones the effective date of the new requirement for automatic electric water lights until January 1, 1949.

(R. S. 4405, 4417a, 46 U. S. C. 375, 391a; sec. 101, Reorganization Plan No. 3 of 1946, 11 F. R. 7875)

Dated: June 5, 1941.

[SEAL] J. F. FARLEY,
Admiral, U. S. Coast Guard,
Commandant.

[F. R. Doc. 47-5493; Filed, June 10, 1947;
8:46 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Bureau of Dairy Industry

[9 CFR, Part 301]

PROCESS OR RENOVATED BUTTER

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the United States Department of Agriculture is considering amendments, as hereinafter proposed, to the regulations (11 F. R. 14674) under the so-called Process or Renovated Butter Act (60 Stat. 300; Pub. Law 427, 79th Cong.) entitled "An act to authorize the condemnation of materials which are intended for use in process or renovated butter and which are unfit for human consumption, and for other purposes."

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed revision shall file the same, in quadruplicate, with the Hearing Clerk, Room 0308 South Building, United States Department of Agriculture, Washington 25, D. C., not later than 5:30 p. m., e. d. s. t., on the 20th day after publication of this notice in the FEDERAL REGISTER.

The proposed amendments to the regulations are as follows:

1. Substitute a comma for the period at the end of § 301.4 (a) and add the following: "Provided, however, That butter oil may be stored in commercial cold storage warehouses."

2. Delete the words "poor" and "satisfactorily" from § 301.4 (c)

3. Amend § 301.4 (d) to read as follows:

§ 301.4 *Sanitary requirements for process or renovated butter factories.*

(d) *Equipment.* All melting tanks, cans, vats, blowing tanks, and settling tanks and equipment used in preparing, cutting, chopping, and otherwise handling the ingredients used in the manufacture of process or renovated butter, shall be made of a noncorrosive metal, or shall be suitably nickel-plated, tinned, or coated with other noncorrosive metal. All such equipment and all churns, butter workers, truck, trays, and other receptacles, chutes, platforms, racks, tables, and all other utensils, machinery, and equipment used in the packaging, storing, or other handling of process or renovated butter, shall be kept in a clean and sanitary condition.

4. Delete the word "approved" wherever it appears in § 301.4 (e).

5. In § 301.5 (a) delete the words "an approved" under (1) and the words "approved" under (2).

6. Amend § 301.5 (c) to read as follows:

§ 301.5 *Sanitary requirements for process or renovated butter, and for ingredients intended for use in its manufacture*

(c) *Pure, clean air to be used; approved equipment for purifying air required.* Air used in aerating butter oil in connection with the manufacture of process or renovated butter shall be pure and clean and free from contamination of any kind.

7. Amend the last sentence of § 301.5 (d) to read as follows: "A recording dairy thermometer shall be provided and used to facilitate determinations of proper pasteurization."

8. Place a period after the word "manner" and delete the following words at the end of § 301.4 (f) "in accordance with generally accepted practices of the dairy industry."

9. In § 301.6 (b) and § 301.6 (c) delete the words "or any part thereof" and sub-

stitute the following: "including immature stages or parts thereof."

10. In § 301.6 (f) delete the word "or" before "(4)" and add the following after the word "acid": "or (5) one and one-half parts of kerosene."

Done at Washington, D. C., this 5th day of June 1947.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 47-5496; Filed, June 10, 1947;
8:46 a. m.]

Production and Marketing Administration

17 CFR, Ch. IX]

[Docket No. AO-185]

HANDLING OF IRISH POTATOES IN EASTERN SOUTH DAKOTA PRODUCTION AREA

EMERGENCY NOTICE OF HEARING

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and in accordance with the applicable rules of practice and procedure governing the formulation of marketing agreements and orders (7 CFR and Supps. 900.1 et seq., 11 F. R. 7737-12 F. R. 1159) a notice of hearing (12 F. R. 3632) was executed on May 29, 1947, with respect to a proposed marketing agreement and order regulating the handling of Irish potatoes grown in the Eastern South Dakota production area, the hearing to be held in the Community Room of the County Court House at Watertown, South Dakota, beginning at 10:00 a. m., c. s. t., June 19, 1947.

The aforesaid publication of the notice of hearing does not give fifteen days notice of hearing and any delay in convening the hearing would tend to preclude the regulation contemplated by the aforesaid notice during the current marketing period for Irish potatoes grown in the Eastern South Dakota production area, contrary to urgent requirement therefor and the declared policy of the act. The various circumstances give rise to an emergency which requires a shorter period of notice in connection with the proposed hearing, and the period of six days is reasonable notice under the circumstances.

Emergency notice is, therefore, hereby given of a public hearing to be held in the Community Room of the County Court House at Watertown, South Dakota, beginning at 10:00 a. m., c. s. t., June 19, 1947, on a proposed marketing agreement and order regulating the handling of Irish potatoes grown in the Eastern South Dakota production area, the terms of such proposal being set forth in the notice (12 F. R. 3632) of May 29, 1947, incorporated in and made a part hereof by reference.

Filed at Washington, D. C., this 6th day of June 1947.

[SEAL] E. A. MEYER,
Assistant Administrator

[F. R. Doc. 47-5536; Filed, June 10, 1947;
8:46 a. m.]

CIVIL AERONAUTICS BOARD

114 CFR, Parts 24 and 52]

LIMITED MECHANIC CERTIFICATE WITH PROPELLER OR AIRCRAFT APPLIANCE RATING

EXTENSION OF EFFECTIVE PERIOD

JUNE 6, 1947.

Special Civil Air Regulation Serial Number 340, which provides for the issuance of limited mechanic certificates to certain skilled personnel in the employ of either an approved repair station or a manufacturer holding a currently effective propeller or aircraft appliance production certificate, expires June 30, 1947.

Pursuant to section 4 (a) of the Administrative Procedure Act, the Safety Bureau of the Civil Aeronautics Board hereby gives notice that not later than June 30, 1947, the Safety Bureau will recommend to the Board that this regulation be amended to extend its effectiveness for an additional 6-month period. During this period the Bureau will recommend appropriate amendments to the Civil Air Regulations that will obviate the further need for this special regulation.

This amendment is proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended.

The Safety Bureau invites those interested to offer comments regarding the proposed amendment. Comments in writing should be addressed to the Safety Bureau, Civil Aeronautics Board, Washington 25, D. C., for receipt within 15 days from the date of this public notice. (52 Stat. 984, 1007; 49 U. S. C. 425, 551)

By the Safety Bureau.

W. S. DAWSON,
Director

[F. R. Doc. 47-5530; Filed, June 10, 1947;
8:48 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR, Part 17]

[Docket No. 8411]

UTILITY RADIO SERVICE

NOTICE OF PROPOSED RULE MAKING

JUNE 4, 1947.

In the matter of adding new § 17.129 of Part 17 of the rules and regulations governing Utility Radio Service requiring applicants to make a showing of need for frequencies below 72 Mc, and adding new § 17.130, requiring coordination of frequency selections with local or regional frequency assignment coordinating committees.

1. Notice is hereby given of proposed rule making in the above entitled matter.

2. The proposed new rules and regulations are set forth below.

3. The proposed rules are issued under the authority of sections 303 (c), (f) and (r) of the Communications Act of 1934, as amended.

4. Any interested party who is of the opinion that the proposed rules should not be adopted or should not be adopted

in the form set forth herein may file with the Commission on or before July 10, 1947, a written statement or brief setting forth his comments. If any comments are received which appear to warrant the Commission in holding an oral argument before final action is taken, notice of the time and place of such oral argument will be given interested parties.

The following sections of the rules and regulations of the Federal Communications Commission will be affected in the manner indicated:

1. Section 17.129, Part 17, added.
2. Section 17.130, Part 17, added.
3. Section 17.129 of Part 17 of the rules and regulations governing the Utility Radio Service will read as follows:

§ 17.129 *Showing required for the assignment of frequencies below 72 mc.*

(a) Applications for authorizations for radiocommunication systems in this service to operate on frequencies below 72 mc shall be accompanied by a satisfactory factual showing of need for the frequency requested.

(b) The showing required in paragraph (a) of this section may include any or all of the following factors:

(1) *Coverage factors.* A statement to the effect that a frequency above 72 mc will not give the desired coverage should be accompanied by:

(i) A contour map outlining the area to be served and indicating all important topographical details, and

(ii) The results of a field intensity survey or other comparable data demonstrating that the area to be served cannot be adequately covered using a frequency above 72 mc.

(2) *Operational factors.* A statement explaining existing operational requirements which would make the installation of equipment operating on frequencies above 72 mc undesirable. Need for establishment of a coordinated radiocommunication network would be considered an operational factor.

(3) *Other factors.* Statement of any other reason, not shown under paragraphs 1 or 2 of this section, which, in the opinion of the applicant, makes installation and operation of equipment on frequencies above 72 mc undesirable.

4. Section 17.130 of Part 17 will read as follows:

§ 17.130 *Coordination of frequency selection with local or regional frequency assignment coordinating committee.* Applications requesting assignment of a frequency, not previously authorized for use by the applicant, shall be accompanied by a supporting statement from the local or regional frequency assignment coordinating committee. If there is no such committee for the area of proposed operation, a statement to that effect should accompany the application.

Adopted: June 3, 1947.

[SEAL] FEDERAL COMMUNICATIONS
COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-5537; Filed, June 10, 1947;
8:46 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

COLUMBIA BASIN PROJECT, WASHINGTON

FIRST FORM RECLAMATION WITHDRAWAL

MAY 2, 1947.

The SECRETARY OF THE INTERIOR.

SIR: In accordance with the authority vested in you by the act of June 26, 1936 (49 Stat. 1976) it is recommended that the following described land be withdrawn from public entry under the first form of withdrawal as provided by section 3 of the act of June 17, 1902 (32 Stat. 388)

COLUMBIA BASIN PROJECT, WASHINGTON

WILLAMETTE MERIDIAN

T. 22 N., R. 28 E.,
Sec. 32, NW $\frac{1}{4}$ NW $\frac{1}{4}$.

The above area aggregates 40 acres.

Respectfully,

MICHAEL W. STRAUSS,
Commissioner.

I concur.

JOEL DAVID WOLFSOHN,
Associate Director
Bureau of Land Management.

The foregoing recommendation is hereby approved, as recommended, and the Director of the Bureau of Land Management will cause the records of his office and the District Land Office to be noted accordingly.

OSCAR L. CHAPMAN,
Under Secretary.

MAY 12, 1947.

[F. R. Doc. 47-5490; Filed, June 10, 1947;
8:57 a. m.]

[No. 2]

KENDRICK IRRIGATION PROJECT, WYOMING

NOTICE OF TEMPORARY WATER SERVICE

APRIL 24, 1947.

1. *Water rental.* Irrigation water will be furnished, when available, upon a rental basis under approved applications for temporary water service during the irrigation season of 1947 (May 1 to September 30, inclusive) where the progress of construction will permit, to the irrigable lands in the first unit of the Casper-Alcova Irrigation District described below:

SIXTH PRINCIPAL MERIDIAN

T. 33 N., R. 80 W.,
Sec. 1, N $\frac{1}{2}$ N $\frac{1}{2}$,
Secs. 2, 8, and 10.

T. 34 N., R. 80 W.,
Sec. 26, SW $\frac{1}{4}$,
Sec. 27;
Sec. 28, S $\frac{1}{2}$,
Secs. 29, 30, 32, 33, 34, and 35;
Sec. 36, SW $\frac{1}{4}$.

T. 33 N., R. 81 W.,
Secs. 2, 19, and 20;
Sec. 21, W $\frac{1}{2}$ W $\frac{1}{2}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, and SE $\frac{1}{4}$ NE $\frac{1}{4}$,
Sec. 27, NW $\frac{1}{4}$,
Sec. 28, NE $\frac{1}{4}$,
Sec. 29, N $\frac{1}{2}$ N $\frac{1}{2}$.

No. 114—3

T. 34 N., R. 81 W.,
Secs. 1 and 2;
Sec. 10, N $\frac{1}{2}$,
Sec. 11, N $\frac{1}{2}$,
Sec. 14, SW $\frac{1}{4}$,
Sec. 23, SE $\frac{1}{4}$,
Sec. 25, NW $\frac{1}{4}$,
Sec. 26, NE $\frac{1}{4}$,
Sec. 34, NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, and NW $\frac{1}{4}$ SE $\frac{1}{4}$.
T. 35 N., R. 81 W.,
Secs. 27, 34, and 35.
T. 30 N., R. 82 W.,
Sec. 3, N $\frac{1}{2}$, and SW $\frac{1}{4}$;
Sec. 4;
Sec. 5, E $\frac{1}{2}$,
Sec. 9, N $\frac{1}{2}$, and N $\frac{1}{2}$ S $\frac{1}{2}$,
Sec. 10, NW $\frac{1}{4}$.
T. 31 N., R. 82 W.,
Sec. 33, E $\frac{1}{2}$ E $\frac{1}{2}$.

2. *Charges and terms of payment.* The minimum water rental charge shall be \$1.00 per irrigable acre for each irrigable acre of land for which water service is requested, payment of which will entitle the applicant to 1 $\frac{1}{2}$ acre-feet of water per irrigable acre. Additional water, if available, will be furnished during the irrigation season at the rate of \$1.00 per acre-foot. All charges shall be payable in advance of the delivery of water, and no part thereof shall be refunded.

3. Water will be delivered and measured by Government forces at the nearest available measuring device to the individual farm.

4. No water will be delivered to isolated tracts where such service would result in excessive canal losses or excessive costs.

5. Water will be delivered only to lands the owners of which have executed and delivered recordable contracts as required by articles 38 and 39 of the contract of August 3, 1935, between the United States and the Casper-Alcova Irrigation District.

6. Individual applications for water and the payments required by this notice will be received at the office of the District Engineer, Bureau of Reclamation, Room 520, Consolidated Royalty Building, Casper, Wyoming. The United States reserves the right to reject any application.

(Act of June 17, 1902, 32 Stat. 388, as amended or supplemented)

WILLIAM E. WARNE,
Assistant Commissioner.

[F. R. Doc. 47-5483; Filed, June 10, 1947;
8:50 a. m.]

[No. 37]

BOISE IRRIGATION PROJECT, ARROWROCK DIVISION, ANDERSON RANCH RESERVOIR, IDAHO

ANNOUNCEMENT OF ANNUAL WATER RENTAL CHARGES

MAY 28, 1947.

1. Pursuant to article 22 of the contract between the United States and the Wilder Irrigation District, dated August 1, 1941, concerning the construction of

Anderson Ranch Dam and Reservoir and related matters, and to like articles in similar contracts with the contractors listed below, irrigation water will be furnished from Anderson Ranch Reservoir on a rental basis during the irrigation season of 1947 to the following contractors:

New York Irrigation District.
Boise-Kuna Irrigation District.
Nampa & Meridian Irrigation District.
Wilder Irrigation District.
Pioneer Irrigation District.
Settlers Irrigation District.
Farmers Union Ditch Company.
New Dry Creek Ditch Company.
Boise Valley Irrigation Ditch Company.
South Boise Mutual Irrigation Company, Ltd.

2. The repayment contracts between the United States and the contractors listed above provide that water will be sold on a rental basis to the contractors, in amounts proportionate to their contracted space in Anderson Ranch Reservoir, under the conditions which exist at present, i. e., prior to the substantial completion of Anderson Ranch Dam and Reservoir or prior to its completion to a point where stored water in an amount exceeding 275,000 acre-feet becomes available for irrigation use.

3. Contractors who do not plan to take their proportionate shares of water from Anderson Ranch Reservoir during the 1947 irrigation season should notify the Bureau of Reclamation in writing at the address given below, so that such water may be made available for other contractors who may require more than their proportionate shares.

4. Water rental charges for the 1947 irrigation season shall be \$1.20 per acre-foot, payable by each contractor in advance of the release of water from Anderson Ranch Reservoir. Requests for water and the payments required by this announcement should be made to the Bureau of Reclamation, P. O. Box 937, Boise, Idaho.

(Act of June 17, 1902, 32 Stat. 388, as amended or supplemented)

KENNETH MARKWELL,
Acting Commissioner.

[F. R. Doc. 47-5483; Filed, June 10, 1947;
8:56 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Designation Order 10]

DESIGNATION OF MOTIONS COMMISSIONER FOR JUNE 1947

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 28th day of May, 1947;

It is ordered, Pursuant to § 1.111 of the Commission's rules and regulations, that C. J. Durr, Commissioner, be, and he is hereby designated as Motions Commissioner, for the month of June 1947.

It is further ordered, That in the event said Motions Commissioner is unable to

act during any part of said period the Chairman or Acting Chairman will designate a substitute Motions Commissioner.

[SEAL] FEDERAL COMMUNICATIONS
COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-5539; Filed, June 10, 1947;
8:47 a. m.]

ALLOCATION OF FREQUENCIES TO NON- GOVERNMENT SERVICES

NOTICE OF ENGINEERING CONFERENCE MAY 23, 1947.

The Commission announces that an Engineering Conference to consider the technical problems inherent in the utilization of frequencies between 42 and 88 Mc will be held on June 10th and 11th, 1947, at the Commission's offices, Washington, D. C., at 10:00 a. m., eastern daylight saving time.

Among the subjects to be considered are:

(a) Discussion looking to the solution of the problems of interference to television services originating from the operation of the fixed and mobile services operating in the band 72-76 Mc and amateur stations operating in the 50-54 Mc band as well as any other services operating on channels adjacent to the television bands.

(b) Determine whether or not the Commission should pursue its plan as announced May 25, 1945 for sharing television frequencies with the fixed and mobile services and if so to what extent and under what technical limitations.

(c) Discussion of interference originating from harmonics of the Industrial, Scientific and Medical as well as amateur services operating in the 27 Mc band and the amateur 28 Mc band.

(d) The degree of harmonic suppression which may be expected from stations in the various services concerned.

(e) Discussion of the propagation characteristics with regard to operation of the mobile non-governmental services in the 42-88 Mc band.

(f) Discussion of the characteristics of the receivers employed in the services between 42 and 88 Mc, particularly with respect to selectivity and local oscillator radiations.

To permit the conference to consider these and other problems in the most orderly manner possible, an agenda for the conference is attached. Other items may be added, based on statements submitted by representatives of the various services affected or on new problems which may develop from the discussion.

All interested persons are invited to attend and participate in the discussions. All persons planning to attend should file with the Secretary of the Commission on or before June 2, 1947, a statement outlining the information to be presented.

Adopted: May 22, 1947.

[SEAL] FEDERAL COMMUNICATIONS
COMMISSION,
T. J. SLOWIE,
Secretary.

AGENDA

1. Opening statement by G. E. Sterling, Chief Engineer.

2. Designations of spokesmen for each service and for each manufacturer represented.

3. Presentation of a report of the Commission's Laboratory Division on projects relating to service-allocation of frequencies between 42 Mc and 88 Mc.

4. Discussion of the problems of adjacent channel interference to television broadcasting from the non-government fixed and mobile services in the 42-44 Mc and 72-76 Mc bands, from FM broadcasting in the 88-108 Mc band and from the amateur service in the 50-54 Mc band.

5. Discussion of the feasibility of sharing television broadcasting channels by the non-government fixed and mobile services:

(a) Co-channel interference considerations.

(b) Adjacent channel interference considerations.

6. Discussion of the utilization of the frequencies between 42 and 88 Mc.

7. The degree of attenuation of harmonics which can be expected in each service and the interference possibilities of the remaining harmonic emissions.

8. Discussion of receiver characteristics, such as selectivity and local oscillator radiation.

[F. R. Doc. 47-5538; Filed, June 10, 1947;
8:46 a. m.]

[Docket No. 6741]

CLEAR CHANNEL BROADCASTING IN STANDARD BROADCAST BAND

ORDER CONTINUING HEARING

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on May 28, 1947;

The Commission having under consideration the petition of the Clear Channel Broadcasting Service for continuance of the hearing in the above entitled matter from July 7, 1947, to September 15, 1947;

It is ordered, That the petition be granted, and that the hearing be continued to September 17, 1947.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-5540; Filed, June 10, 1947;
8:47 a. m.]

[Docket Nos. 7273, 8287]

DAILY NEWS TELEVISION CO. AND PENNSYLVANIA BROADCASTING CO.

CORRECTED ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Daily News Television Co., Philadelphia, Pennsylvania, Docket No. 7273, File No. BPCT-119; Pennsylvania Broadcasting Co., Philadelphia, Pennsylvania, Docket No. 8287, File No. BPCT-185; for construction permits for television broadcast stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 15th day of May 1947.

The Commission having under consideration the above entitled applications, each requesting a construction permit

for a new television broadcast station in Philadelphia, Pennsylvania, to operate on the same and only unassigned television channel allocated to the Philadelphia metropolitan area;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications of Daily News Television Company (File No. BPCT-119) and Pennsylvania Broadcasting Company (File No. BPCT-185) be, and they are hereby, designated for hearing in a consolidated proceeding at a time and place to be named by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant to operate and construct the proposed station.

2. To obtain full information with respect to the nature and character of the proposed program service.

3. To determine the areas and populations which may be expected to receive service from the proposed station.

4. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

[SEAL] FEDERAL COMMUNICATIONS
COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-5541; Filed, June 10, 1947;
8:47 a. m.]

[Docket Nos. 8317, 8276, 8277]

RODERICK BROADCASTING CORP. (KROD) ET AL.

ORDER DESIGNATING APPLICATION FOR CON- SOLIDATED HEARING ON STATED ISSUES

In re applications of Roderick Broadcasting Corp. (KROD) El Paso, Texas, Docket No. 8317, File No. BP-5909; Coconino Broadcasting Co., Flagstaff, Arizona, Docket No. 8276, File No. BP-5667; James L. Stapleton, Jesse Martin and Duard K. Nowlin d/b as Grand Canyon Broadcasting Co. (KWRZ) Flagstaff, Arizona, Docket No. 8277, File No. BP-6004; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 25th day of April 1947;

The Commission having under consideration the above-entitled application of Roderick Broadcasting Corporation requesting a construction permit to change the operating assignment of station KROD, El Paso, Texas, from 600 kc, with power of 1 kw daytime and 500 watts at night, unlimited time to 600 kc, with power of 5 kw, unlimited time to install new transmitter, change transmitter location and install directional antenna for use at night; and

It appearing, that the Commission on April 10, 1947, designated for hearing in a consolidated proceeding the applications of Coconino Broadcasting Company (File No. BP-5667; Docket No. 8276) requesting a construction permit for a new

standard broadcast station to operate on the frequency 600 kc, with 1 kw power, unlimited time with directional antenna at night, at Flagstaff, Arizona, and James L. Stapleton, Jessie Martin and Duard K. Knowlin, d/b as Grand Canyon Broadcasting Company (KWRZ) (File No. BP-6004; Docket No. 8277) permit-tee of station KWRZ (presently authorized the use of the frequency 1340 kc), requesting 600 kc, with power of 1 kw daytime and 250 watts nighttime (non-directional)

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application of Roderick Broadcasting Corporation (KROD) be, and it is hereby, designated for hearing in the above consolidated proceeding at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the technical, financial, and other qualifications of the applicant corporation, its offices, directors and stockholders to construct and operate station KROD as proposed.
2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of station KROD as proposed and the character of other broadcast service available to those areas and populations.
3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.
4. To determine whether the operation of station KROD as proposed would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.
5. To determine whether the operation of station KROD as proposed would involve objectionable interference with the services proposed in the other applications to this consolidated proceeding or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.
6. To determine whether the installation and operation of station KROD as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.
7. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

It is further ordered, That the order of the Commission dated April 10, 1947, designating for hearing the said applications of Coconino Broadcasting Company and James L. Stapleton, Jessie Martin and Duard K. Nowlin, d/b as Grand Canyon Broadcasting Company (KWRZ) be, and they are hereby, amended to include the said application of Roderick Broadcasting Corporation.

Notice is hereby given, that § 1.857 of the Commission's rules and regulations is not applicable.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-5543; Filed, June 10, 1947;
8:47 a. m.]

[Docket No. 8344, 8402, and 8403]

FOSS LAUNCH AND TUG CO. ET AL

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Foss Launch and Tug Company, Seattle, Washington, File Nos. 709/710-PE-B, Docket No. 8344; Meseck Towing Lines, Inc., New York, New York, File Nos. 7662/7663-PE-B, Docket No. 8402; Moran Towing & Transportation Co., Inc., New York, New York, File Nos. 9730/9731-PE-B, Docket No. 8403; for construction permits in the experimental service.

At a meeting of the Federal Communications Commission held at its offices in Washington, D. C., on the 22d day of May 1947;

The Commission, having under consideration the application of the Foss Launch and Tug Company for construction permits for Experimental Class 2 stations comprising one land station and three mobile marine units to operate at and in the vicinity of Seattle, Washington; and

The application of Meseck Towing Lines, Inc., for construction permits for Experimental Class 2 stations comprising one land station and ten mobile marine units to operate at and in the vicinity of New York, New York; and

The application of the Moran Towing and Transportation Company, Inc., for construction permits for Experimental Class 2 stations comprising one land station and one mobile marine unit to operate at and in the vicinity of New York, New York; and

It appearing, that these applications present various questions in common concerning the use of radio frequencies allocated on an exclusive basis to the Maritime Mobile Service; and

It further appearing, that each of these applications apparently contemplates the ultimate establishment of a private marine communication service to operate parallel to, or in competition with, common carrier communications facilities operating in the coastal harbor service; and

It further appearing, that certain communications common carriers presently licensed to operate in the Coastal Service have an interest and may assist the Commission in the determination of one or more of the issues set forth below:

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing in a consolidated proceeding at a time and place to be designated by the Commission, upon the following issues:

1. To determine the nature, extent, and purpose of the operations proposed

to be conducted by each applicant, with particular reference to the nature, extent, and quality of any marine communication service ultimately proposed to be established.

2. To determine the need for the service proposed to be rendered by each respective applicant, with particular reference to the adequacy of the existing coastal harbor service and facilities available to each applicant within the area desired by it to be covered and the feasibility of expanding or improving such service and facilities if such action should appear to be necessary or desirable.

3. To determine which, if any, frequencies allocated to the Maritime Mobile Service are available for the proposed service of each applicant.

4. To determine, in relation to any maritime mobile frequencies which might be assigned as part of any grant that might be made herein, whether and to what extent such frequencies would be available to future applicants proposing the same service in the same area.

5. To determine whether objectionable interference to any established or presently proposed service or station would result from the operation of the service proposed by each applicant.

6. To determine whether and to what extent the service proposed by each applicant would affect safety of life and property in the area within which each applicant proposes to operate.

7. To determine whether the service proposed by each applicant would efficiently utilize the frequencies allocated to the Maritime Mobile Service.

8. To determine what, if any, conditions or restrictions concerning use and development of the service proposed by each applicant should be made a part of any grant that might be made herein.

It is further ordered, That any communications common carrier presently licensed to operate in the Coastal Service at New York, New York or Seattle, Washington, which desires to intervene in this proceeding is hereby given leave to do so: *Provided, however*, That each such intervenor shall file with the Commission a notice of appearance herein within fifteen days from the date of publication of this order in the FEDERAL REGISTER.

Section 1.857 of the Commission's rules and regulations does not apply to this proceeding.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-5544; Filed, June 10, 1947;
8:47 a. m.]

[Docket No. 8382]

CENTRAL LOUISIANA BROADCASTING CORP.
(KPDR)

MEMORANDUM OPINION AND ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Central Louisiana Broadcasting Corporation (KPDR), Alexandria, La., Docket No. 8382, File No. BP-5506; for construction permit.

The Commission has before it a petition filed on December 18, 1946, by Central Louisiana Broadcasting Corporation (KPDR) requesting that its above-entitled application for a permit to change the assignment of station KPDR, Alexandria, Louisiana, from 1490 kilocycles, with 250 watts power, unlimited time, to 1400 kilocycles, with 250 watts power, unlimited time, the facilities assigned to station KSYL in Alexandria under a construction permit, be designated for hearing in a consolidated proceeding with the application (File No. BAP-43) for consent to the voluntary assignment of the construction permit for station KSYL from Marvin Glazer and Sylvan Fox, a partnership, d/b as Fox Broadcasting Company (permittee of station KSYL) to Sylvan Fox and Harold M. Wheelahan, a partnership, d/b as Radio Station KSYL (assignee). The petition alleges that no affirmative action had been taken toward the actual construction of station KSYL until after the agreement for the assignment of the construction permit had been made, and requests that, in view of the permittee's failure to take affirmative action to construct the station, petitioner be afforded a competitive opportunity to determine whether it should be permitted to develop the frequency 1400 kilocycles in Alexandria instead of its assigned 1490 kilocycles, which, petition alleges, had proven unsatisfactory because of image frequency interference to another station in Alexandria. Fox Broadcasting Company and Radio Station KSYL, the assignor and assignee partnerships, have filed a joint opposition to said petition.

The original application of Fox Broadcasting Company for a permit to construct station KSYL had been granted by the Commission on March 13, 1946, on a site to be determined basis, and on August 26, 1946, its application for modification of permit specifying a transmitter site was approved. The construction permit issued required that construction be commenced by October 26, 1946, and completed by April 26, 1947. On or shortly after August 26, 1946, the contract for assignment of the construction permit was executed, the effect of the contract being merely to substitute a new partner for one who wished to retire, without profit, because of physical disability. On September 7, 1946, the permittee had ordered the necessary studio and transmitting equipment; by the time said petition had been filed actual construction was well under way and in fact construction was completed and an application for license was filed, by the permittee partnership, on March 31, 1947, well in advance of April 26, 1947, the expiration date of the construction permit.

The above recitation of facts clearly indicates that the permittee partnership has never in any way been in default on its obligations under the constructive permit, and that the allegation in the petition as to the lack of affirmative action on the part of the permittee until after the execution of the contract of assignment is plainly immaterial. Inasmuch as the transmitter site was not approved until August 26, 1946, it is entirely reasonable that construction was

not begun prior to that date. After the issuance of the construction permit, there was full compliance as to time for commencement and completion of construction.

Since there has been no default by the permittee and no allegation has been made as to facts impugning the qualifications of the permittee to operate the station, there does not appear to be any legal justification for placing the construction permit in issue for revocation. Section 319 (b) provides that upon the completion of a station in accordance with a construction permit, and upon it being made to appear that "no cause or circumstance arising or first coming to the knowledge of the Commission since the granting of the permit would, in the judgment of the Commission, make the operation of such station against the public interest, the Commission shall issue a license to the lawful holder of said permit." Thus, it is clear that the act affords a high degree of protection to a construction permit, as is recognized by §§ 1.385 (b) and (c) and 1.387 (b) (1) and (2) of the Commission's rules and regulations, which place outstanding construction permits in the same category as existing stations. See also *Goss v. Federal Radio Commission*, 67 F. 2d 507; 508 (App. D. C., 1933). Further, the placing of a construction permit in issue for revocation without good cause would also render nugatory the provisions of § 1.387 (b) (3) of the rules which requires that applications be filed 20 days before the beginning of a hearing if they are to be given consideration in a consolidated proceeding, for an applicant could avoid the 20 day rule by merely waiting until the construction permit was issued before filing his application and then, at that late date, obtain the comparative consideration he could not have received before.

Without the construction permit for KSYL in issue, the hearing sought by petitioner would serve no useful purpose. The most favorable decision petitioner could hope for in such a consolidated proceeding would be a determination that the application for assignment should be denied because petitioner was more qualified to develop the frequency than the assignee. But this would not be of any assistance to petitioner, since the construction permit would still be outstanding and for all that appears the permittee would then elect to proceed with the operation of the station on its own account. It is clear, therefore, that the petition for consolidation must be denied.

Accordingly, *It is ordered*, This 25th day of April 1947, that the petition for consolidation filed by Central Louisiana Broadcasting Corporation be, and it is hereby, denied; and

It is further ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, and § 1.385 (b) of the Commission's rules and regulations, the said application of Central Louisiana Broadcasting Corporation for a change in frequency of station KPDR, be, and it is hereby, designated for hearing, at a time and place to be designated

by subsequent order of the Commission, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of station KPDR as proposed and the character of other broadcast service available to those areas and populations.

2. To determine whether the operation of station KPDR as proposed would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

3. To determine whether the operation of station KPDR as proposed would involve objectionable interference with the services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

4. To determine whether the installation and operation of station KPDR as proposed would be in compliance with the Commission's Rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

It is further ordered, That, Marvin Glazer and Sylvan Fox, a partnership, d/b as Fox Broadcasting Company, permittee of station KSYL at Alexandria, Louisiana, and Sylvan Fox and Harold M. Wheelahan, a partnership, d/b as Radio Station KSYL, be, and they are hereby, made parties to this proceeding.

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to the proceeding provided for in this order.

[SEAL] FEDERAL COMMUNICATIONS
COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-5545; Filed, June 10, 1947;
8:47 a. m.]

[Docket No. 8393]

SUN COUNTY BROADCASTING Co. (KPSC)

ORDER DESIGNATING APPLICATION FOR
HEARING ON STATED ISSUES

In re application of Sun County Broadcasting Co. (KPSC) Phoenix, Arizona, Docket No. 8393. File No. BP-5945, for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 30th day of April 1947;

The Commission having under consideration the above-entitled application for a construction permit to change the frequency of station KPSC, Phoenix, Arizona, from 1450 kc to 1270 kc, increase power to 5 kw, install new transmitter at a new location and employ a directional antenna for night use;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be and it is hereby, designated for hearing at a time and place to be design-

nated by subsequent order of the Commission, upon the following issues:

1. To determine the technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate station KPSC as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of station KPSC as proposed and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of station KPSC as proposed would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of station KPSC as proposed would involve objectionable interference with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of station KPSC as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations, with particular reference to the proposed transmitter site.

Notice is hereby given, that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-5542; Filed, June 10, 1947;
8:47 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-704]

TRANS-CONTINENTAL GAS PIPE LINE CO.,
INC.

ORDER POSTPONING HEARING

Upon consideration of the request of Trans-Continental Gas Pipe Line Company, Inc., filed June 4, 1947, for a postponement of the hearing in the above-entitled matter now set to commence on June 9, 1947; and

It appearing to the Commission that: Applicant states in its motion for a postponement that it is not prepared to go forward and present testimony and evidence in support of its application at the hearing now set to commence on June 9, 1947, but that it will be prepared to go forward at any time after September 3, 1947, and will submit and serve at least two weeks in advance of the date set for hearing all data and information required of an applicant for a

certificate of public convenience and necessity pursuant to the provisions of section 7 of the Natural Gas Act, as amended, as specified in the Commission's rules of practice and procedure, effective September 11, 1946, as well as outstanding orders of the Commission relating to the filing of such data and information.

The Commission orders that: The hearing in the above-entitled matter now set to commence on June 9, 1947, be and the same is hereby continued to September 29, 1947, at 10:00 a. m. (e. d. s. t.) in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C. *Provided, however,* That such date of hearing is subject to further postponement if Applicant fails to submit required data and information not later than September 15, 1947, as represented.

Date of issuance: June 6, 1947.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-5500; Filed, June 10, 1947;
8:57 a. m.]

[Docket No. G-800]

CONSOLIDATED GAS UTILITIES CORP.

NOTICE OF APPLICATION

JUNE 4, 1947.

Notice is hereby given that on May 19, 1947, Consolidated Gas Utilities Corporation (Applicant) a Delaware corporation having its principal place of business at Oklahoma City, Oklahoma, and authorized to do business in the States of Texas, Oklahoma and Kansas, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing Applicant to construct and operate certain facilities, hereinafter described, for the purpose of delivering additional quantities of natural gas to Cities Service Gas Company (Cities Service) an existing customer of Applicant.¹

Applicant seeks authorization to construct and operate the following described facilities:

(1) A natural gas dehydration plant with a rated capacity of 90 million cubic feet per day to be located in the Northeast Quarter of Section 22-5N-8W, in Grady County, Oklahoma.

(2) Approximately 21 miles of 12-inch natural gas pipeline together with a measuring station and appurtenant facilities beginning at said dehydration plant and extending in a southerly direction to approximately the Southeast Quarter of Section 36-2N-8W, in Stephens County, Oklahoma.

The application recites that Applicant has heretofore been selling Cities Service approximately 28 million cubic feet of gas per day, making delivery thereof in Cement, Oklahoma, gas field. This gas

is being delivered to Cities Service pursuant to Applicant's FPC Rate No. 22. It is stated that by means of the proposed new 12-inch pipeline additional sources of supply in the Marlow and Chickasha areas will be made available to serve this present market, and that by means of the proposed dehydrating plant Applicant will be enabled to dehydrate gas delivered to Cities Service. By means of the new facilities, Applicant will make deliveries of gas to Cities Service in the Chickasha, Oklahoma, gas field in lieu of delivering such gas in Cement, Oklahoma, gas field and Applicant contemplates it will be able to increase its deliveries of gas to Cities Service from approximately 28 million cubic feet per day to a maximum of approximately 90 million cubic feet per day. It is further stated that of the quantities of gas so delivered to Cities Service by Applicant, Cities Service will redeliver and resell to Applicant through existing facilities at a point near Blackwell, Oklahoma, one-half of the quantities so delivered to Cities Service up to a maximum of 25 million cubic feet per day.

The application further recites that the natural gas to be supplied through the proposed facilities will be produced from wells controlled through gas purchase contracts by Applicant; that the aggregate daily open flow capacity of all of said wells is 748,417 Mcf; and that Applicant estimates its existing wells will afford ample gas for at least 5 years.

The estimated total over-all capital cost of the proposed facilities is \$494,102.79. These construction funds will be obtained incidental to the refunding of Applicant's present outstanding funded indebtedness.

Any interested State commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of the Commission's rules of practice and procedure, and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with reasons for such request.

The application of Consolidated Gas Utilities Corporation is on file with the Commission and is open to public inspection. Any person desiring to be heard or to make any protest with reference to the application shall file with the Federal Power Commission, Washington 25, D. C., not later than fifteen days from the date of publication of this notice in the FEDERAL REGISTER, a petition to intervene or protest. Such petition or protest shall conform to the requirements of the rules of practice and procedure (effective September 11, 1946) and shall set out clearly and concisely the facts from which the nature of the petitioner's or protestant's alleged right or interest can be determined. Petitions for intervention shall state fully and completely the grounds of the proposed intervention and the contentions of the petitioner in the proceeding so as to advise the parties and the Commission as to the specific issues of fact or law to be raised or controverted, by admitting, denying, or other-

¹ See application for certificate of public convenience and necessity filed by Cities Service Gas Company on May 10, 1947, Docket No. G-898 (12 F. R. 3785).

wise answering, specifically and in detail, each material allegation of fact or law asserted in the proceeding.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-5491; Filed, June 10, 1947;
8:45 a. m.]

[Docket No. IT-6062]

GULF PUBLIC SERVICE CO., INC.

NOTICE OF APPLICATION

JUNE 4, 1947.

Notice is hereby given that on June 2, 1947, an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, by Gulf Public Service Co., Inc., a corporation organized under the laws of the State of Louisiana and doing business in said State with its principal business office at New Iberia, Louisiana, seeking an order authorizing the issuance of \$2,200,000 principal amount of 3½% sinking fund debentures, due July 1, 1972, to be dated July 1, 1947, to be issued under an Indenture to First National Bank in Dallas, Trustee, dated as of July 1, 1947; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard, or to make any protest with reference to said application should, on or before the 25th day of June, 1947, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-5492; Filed, June 10, 1947;
8:46 a. m.]

INTERSTATE COMMERCE
COMMISSION

[S. O. 396, Special Permit 203]

RECONSIGNMENT OF TOMATOES AT
KANSAS CITY, MO.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Kansas City, Mo., June 2, 1947, by E. E. Fadler, of car GARX 9433, tomatoes, now on the Mo. Pac. RR. to Harshfield Bros., Louisville, Ky. (MP-L&N)

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission

at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 2d day of June 1947.

V. C. CLINGER,
Director
Bureau of Service.

[F. R. Doc. 47-5506; Filed, June 10, 1947;
8:47 a. m.]

[S. O. 396, Special Permit 204]

RECONSIGNMENT OF ONIONS AT
MINNEAPOLIS, MINN.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008) permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Minneapolis, Minn., June 4, 1947, by Baumel & Kurtz, of cars ART 16495 and MDT 43140, onions, now on the M&STL to Chicago, Ill. (CB&Q)

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 4th day of June, 1947.

V. C. CLINGER,
Director
Bureau of Service.

[F. R. Doc. 47-5507; Filed, June 10, 1947;
8:47 a. m.]

[S. O. 755]

UNLOADING OF NAILS AT LOS ANGELES,
CALIF.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 5th day of June A. D. 1947.

It appearing, that 2 cars containing nails at Los Angeles, California, on The Atchison, Topeka & Santa Fe Railroad Company, have been on hand for unreasonable lengths of time and that the delay in unloading said cars is impeding their use; in the opinion of the Commission an emergency exists requiring immediate action. It is ordered, that:

(a) Nails at Los Angeles, California, be unloaded. The Atchison, Topeka & Santa Fe Railway Company, its agents or employees, shall unload immediately cars RI 148715 and PLE 83440, containing nails, on hand at Los Angeles, California, consigned to shipper's order, notify Pan American Factors.

(b) Demurrage. No common carrier by railroad subject to the Interstate Commerce Act shall charge or demand or collect or receive any demurrage or storage charges, for the detention under load of any car specified in paragraph (a) of this order, for the detention period commencing at 7:00 a. m., June 6, 1947, and continuing until the actual unloading of said car or cars is completed.

(c) Provisions suspended. The operation of any or all rules, regulations, or practices, insofar as they conflict with the provisions of this order, is hereby suspended.

(d) Notice and expiration. Said carrier shall notify V. C. Clinger, Director, Bureau of Service, Interstate Commerce Commission, Washington, D. C., when it has completed the unloading required by paragraph (a) hereof, and such notice shall specify when, where, and by whom such unloading was performed. Upon receipt of that notice this order shall expire.

It is further ordered, that this order shall become effective immediately; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4; 54 Stat. 901, 911, 49 U. S. C. 1 (10)-(17) 15 (2))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-5493; Filed, June 10, 1947;
8:57 a. m.]

OFFICE OF HOUSING
EXPEDITER

[C-39]

VICTOR N. COVOLO & JOHN DA FIAN
CONSENT ORDER

Victor N. Covolo and John Da Fian, d/b/a V-J Construction Co., are partners operating as construction contractors and located at 441 Jersey Avenue, Fairview, N. J. Victor N. Covolo and John Da Fian are charged by the Office of the Housing Expediter with violations of Veterans' Housing Program Order 1 in that (1) on or about October 21, 1946 they began construction, repairs, additions and alterations, without authorization, and at a cost in excess of \$1,000 of a commercial building located on NJ Route 1 (Bergen Blvd.) Palisades Park, N. J., (2) on and after October 21, 1946 they carried on construction, repairs, additions and alterations, without authorization, and at a cost in excess of \$1,000 of a commercial building located on NJ Route 1 (Bergen Blvd.), Palisades Park, N. J.

Victor N. Covolo and John Da Fian admit the violations charged and have consented to the issuance of this order.

Wherefore, upon the agreement and consent of Victor N. Covolo and John Da Pian, the Regional Compliance Director and the Regional Compliance Attorney, and upon the approval of the Compliance Commissioner, *It is hereby ordered, That:*

(a) Neither Victor N. Covolo and John Da Pian, their successors and assigns, nor any other person shall do any further construction on the premises located on NJ Route 1 (Bergen Blvd.) Palisades Park, N. J., including the putting up, completing or altering of any of the structures located on said premises, unless hereafter specifically authorized in writing by the Office of the Housing Expediter.

(b) Victor N. Covolo and John Da Pian shall refer to this order in any application or appeal which they may file with the Office of the Housing Expediter for priorities assistance or for authorization to carry on construction.

(c) Nothing contained in this order shall be deemed to relieve Victor N. Covolo and John Da Pian, their successors and assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Office of the Housing Expediter, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 10th day of June 1947.

OFFICE OF THE HOUSING
EXPEDITER,
By JAMES V. SARCONI,
Authorizing Officer

[F. R. Doc. 47-5586; Filed, June 10, 1947;
10:05 a. m.]

[C-40]

CO-SID HOLDING CORP.

CONSENT ORDER

Co-Sid Holding Corp., a New York corporation, located at 115-14 Queens Boulevard, Forest Hills, L. I., N. Y., constructs and manages real estate projects. Co-Sid Holding Corp. is charged by the Office of the Housing Expediter with violations of Veterans' Housing Program Order 1 in that (1) on or about December 20, 1946 it began construction, repairs, additions and alterations, without authorization, and at a cost in excess of \$1,000 of a commercial building located at S. E. Corner of Parsons Boulevard and 82d Drive, Flushing, L. I., N. Y., (2) on and after December 20, 1946 it carried on construction, repairs, additions and alterations, without authorization, and at a cost in excess of \$1,000 of a commercial building located at S. E. Corner of Parsons Boulevard and 82d Drive, Flushing, L. I., N. Y.

Co-Sid Holding Corp. admits the violation charged and has consented to the issuance of this order.

Wherefore, upon the agreement and consent of Co-Sid Holding Corp., the Regional Compliance Director and the Regional Compliance Attorney, and upon the approval of the Compliance Commissioner, *It is hereby ordered, That:*

(a) Neither Co-Sid Holding Corp., its successors and assigns, nor any other

person shall do any further construction on the premises located at the S. E. Corner of Parsons Boulevard and 82d Drive, Flushing, L. I., N. Y., including the putting up, completing or altering of any of the structures located on said premises, unless hereafter specifically authorized in writing by the Office of the Housing Expediter.

(b) Co-Sid Holding Corp. shall refer to this order in any application or appeal which it may file with the Office of the Housing Expediter for priorities assistance or for authorization to carry on construction.

(c) Nothing contained in this order shall be deemed to relieve Co-Sid Holding Corp., its successors and assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Office of the Housing Expediter, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 10th day of June 1947.

OFFICE OF THE HOUSING
EXPEDITER,
By JAMES V. SARCONI,
Authorizing Officer

[F. R. Doc. 47-5587; Filed, June 10, 1947;
10:05 a. m.]

[C-41]

REZBO REALTY CORP.

CONSENT ORDER

Rezbo Realty Corporation, a New York Corporation, located at 207-215 Wickham Avenue, Middletown, New York, is the owner of premises 207-215 Wickham Avenue, Middletown, New York, occupied by Vee Motor Sales, Inc. Rezbo Realty Corporation is charged by the Office of the Housing Expediter with violations of Veterans' Housing Program Order 1 in that (1) on or about June 10, 1946 it began construction, repairs, additions and alterations, without authorization, and at a cost in excess of \$1,000 of a commercial building located at 207-215 Wickham Avenue, Middletown, New York; (2) on and after June 10, 1946 it carried on construction, repairs, additions and alterations, without authorization, and at a cost in excess of \$1,000 of a commercial building located at 207-215 Wickham Avenue, Middletown, New York.

Rezbo Realty Corporation admits the violations charged and has consented to the issuance of this order.

Wherefore, upon the agreement and consent of Rezbo Realty Corporation, the Regional Compliance Director and the Regional Compliance Attorney, and upon the approval of the Compliance Commissioner, *It is hereby ordered, That:*

(a) Neither Rezbo Realty Corporation, its successors and assigns, nor any other person shall do any further construction on the premises located at 207-215 Wickham Avenue, Middletown, New York, including the putting up, completing or altering of any of the structures located on said premises, unless hereafter specifically authorized in writing by the Office of the Housing Expediter.

(b) Rezbo Realty Corporation shall refer to this order in any application or appeal which it may file with the Office of the Housing Expediter for priorities assistance or for authorization to carry on construction.

(c) Nothing contained in this order shall be deemed to relieve Rezbo Realty Corporation, its successors and assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Office of the Housing Expediter, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 10th day of June 1947.

OFFICE OF THE HOUSING
EXPEDITER,
By JAMES V. SARCONI,
Authorizing Officer

[F. R. Doc. 47-5583; Filed, June 10, 1947;
10:05 a. m.]

[C-42]

CARL KAIMOWITZ, WILLIAM KAIMOWITZ &
A. KAIMOWITZ

CONSENT ORDER

Carl Kaimowitz, William Kaimowitz and A. Kaimowitz, d/b/a Kamson Company, are partners engaged in the business of general building construction. Carl Kaimowitz, William Kaimowitz and A. Kaimowitz are charged by the Office of the Housing Expediter with violations of Veterans' Housing Program Order 1 in that (1) on or about June 10, 1946 they began construction, repairs, additions and alterations, without authorization, and at a cost in excess of \$1,000 of a commercial building located 207-215 Wickham Avenue, Middletown, New York; (2) on or about June 10, 1946 they carried on construction, repairs, additions and alterations, without authorization, and at a cost in excess of \$1,000 of a commercial building located at 207-215 Wickham Avenue, Middletown, New York.

Carl Kaimowitz, William Kaimowitz and A. Kaimowitz admit the violations charged and have consented to the issuance of this order.

Wherefore, upon the agreement and consent of Carl Kaimowitz, William Kaimowitz and A. Kaimowitz, the Regional Compliance Director and the Regional Compliance Attorney, and upon the approval of the Compliance Commissioner, *It is hereby ordered, That:*

(a) Neither Carl Kaimowitz, William Kaimowitz and A. Kaimowitz, their successors and assigns, nor any other person shall do any further construction on the premises located at 207-215 Wickham Avenue, Middletown, New York, including the putting up, completing, or altering of any of the structures located on said premises, unless hereafter specifically authorized in writing by the Office of the Housing Expediter.

(b) Carl Kaimowitz, William Kaimowitz and A. Kaimowitz shall refer to this order in any application or appeal which they may file with the Office of the Housing Expediter for priorities assistance or

NOTICES

for authorization to carry on construction.

(c) Nothing contained in this order shall be deemed to relieve Carl Kaimowitz, William Kaimowitz and A. Kaimowitz, their successors and assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Office of the Housing Expediter, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 10th day of June 1947.

OFFICE OF THE HOUSING
EXPEDITER,
By JAMES V. SARCONI,
Authorizing Officer.

[F. R. Doc. 47-5589; Filed, June 10, 1947;
10:06 a. m.]

[C-43]

VEE MOTOR SALES, INC.
CONSENT ORDER

Vee Motor Sales, Inc., a New York Corporation, located at 207-215 Wickham Avenue, Middletown, New York is an Auto Sales Agency. Vee Motor Sales, Inc. is charged by the Office of the Housing Expediter with violations of Veterans' Housing Program Order 1 in that (1) on or about June 10, 1946 it began construction, repairs, additions and alterations, without authorization, and at a cost in excess of \$1,000 of a commercial building located at 207-215 Wickham Avenue, Middletown, New York; (2) on and after June 10, 1946 it carried on construction, repairs, additions and alterations, without authorization, and at a cost in excess of \$1,000 of a commercial building located at 207-215 Wickham Avenue, Middletown, New York.

Vee Motor Sales, Inc. admits the violations charged and has consented to the issuance of this order.

Wherefore, upon the agreement and consent of Vee Motor Sales, Inc., the Regional Compliance Director and the Regional Compliance Attorney, and upon the approval of the Compliance Commissioner, *It is hereby ordered*, That:

(a) Neither Vee Motor Sales, Inc., its successors and assigns, nor any other person shall do any further construction on the premises located at 207-215 Wickham Avenue, Middletown, New York, including the putting up, completing or altering of any of the structures located on said premises, unless hereafter specifically authorized in writing by the Office of the Housing Expediter.

(b) Vee Motor Sales, Inc. shall refer to this order in any application or appeal which it may file with the Office of the Housing Expediter for priorities assistance or for authorization to carry on construction.

(c) Nothing contained in this order shall be deemed to relieve Vee Motor Sales, Inc., its successors and assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Office of the Housing Expediter, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 10th day of June 1947.

OFFICE OF THE HOUSING
EXPEDITER,
By JAMES V. SARCONI,
Authorizing Officer

[F. R. Doc. 47-5590; Filed, June 10, 1947;
10:06 a. m.]

[C-44]

ISLIP STADIUM CORP.
CONSENT ORDER

Islip Stadium Corporation, a New York corporation located at Islip Avenue and Beech Street, Islip, New York, is engaged in the operation of a sports arena. Islip Stadium Corporation is charged by the Office of the Housing Expediter with violations of Veterans' Housing Program Order 1 in that (1) on or about March 3, 1947 it began construction, repairs, additions, and alterations, without authorization, and at a cost in excess of \$1,000, of a commercial structure located at 500' W/O Islip Avenue, between Caleb's Path & Freeman Avenue, Islip, N. Y., (2) on and after March 3, 1947, it carried on construction, repairs, additions and alterations, without authorization, and at a cost in excess of \$1,000, of a commercial structure located at 500' W/O Islip Avenue, between Caleb's Path & Freeman Avenue, Islip, N. Y.

Islip Stadium Corporation admits the violations charged, but denies that the acts charged were committed wilfully, and has consented to the issuance of this order.

Wherefore, upon the agreement and consent of Islip Stadium Corporation, the Regional Compliance Director and the Regional Compliance Attorney, and upon the approval of the Compliance Commissioner, *It is hereby ordered*, That:

(a) Neither Islip Stadium Corporation, its successors and assigns, nor any other person shall do any further construction on the premises located at 500' W/O Islip Avenue, between Caleb's Path & Freeman Avenue, Islip, N. Y., including the putting up, completing or altering of any of the structures located on said premises, unless hereafter specifically authorized in writing by the Office of the Housing Expediter.

(b) Islip Stadium Corporation shall refer to this order in any application or appeal which it may file with the Office of the Housing Expediter for priorities assistance or for authorization to carry on construction.

(c) Nothing contained in this order shall be deemed to relieve Islip Stadium Corporation, its successors and assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Office of the Housing Expediter, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 10th day of June 1947.

OFFICE OF THE HOUSING
EXPEDITER,
By JAMES V. SARCONI,
Authorizing Officer.

[F. R. Doc. 47-5591; Filed, June 10, 1947;
10:06 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-1517]

NORTH AMERICAN CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 4th day of June 1947.

The North American Company ("North American"), a registered holding company, having filed a declaration pursuant to sections 12 (c) and 12 (d) of the Public Utility Holding Company Act of 1935 ("Act") and Rules U-44 and U-46 promulgated thereunder with respect to the distribution in partial liquidation to its stockholders of 2½ shares of Common Stock of Wisconsin Electric Power Company ("Wisconsin Electric") on July 15, 1947 for each 100 shares of Common Stock of North American held of record on June 12, 1947, and the distribution in partial liquidation to its stockholders of 5 shares of Common Stock of Wisconsin Electric in October, 1947 for each 100 shares of Common Stock of North American held; and

North American having requested that the Commission's order herein conform to the requirements of Supplement R of Chapter I and section 1808 (f) of Chapter II of the Internal Revenue Code, as amended; and

A public hearing having been held after appropriate notice and the Commission having considered the record and having made and filed its findings and opinion herein;

It is ordered, That said declaration of North American be and the same hereby is permitted to become effective forthwith, subject to the terms and conditions prescribed by Rule U-24 and subject further to the following conditions:

1. That cash be paid by North American in the proposed distributions in lieu of distribution of fractional shares of or other evidence of fractional interest in Common Stock of Wisconsin Electric.

2. That North American shall not consummate the proposed distribution to be made in October, 1947 until after consideration by the Commission of the basis of cash distribution in lieu of distribution of fractional shares of Wisconsin Electric Common Stock in said October, 1947 distribution and entry of a supplemental order by the Commission in this proceeding.

It is further ordered and recited, And the Commission finds that (a) the proposed distribution on July 15, 1947 of not to exceed 214,316 shares of Wisconsin Electric's Common Stock (represented by Certificate Nos. TD 162 and PR 570) by North American through transfer and distribution of such shares to its stockholders at the rate of 2½ shares of Wisconsin Electric Common Stock for each 100 shares of outstanding North American Common Stock together with cash in lieu of fractional shares of Wisconsin Electric Common Stock, and (b) the proposed distribution in October, 1947 of not to exceed 428,632 shares of Wisconsin Electric Common Stock (represented by Certificate No. PR 571) by North Amer-

ican through transfer and distribution of such shares to its stockholders at the rate of 5 shares of Wisconsin Electric Common Stock for each 100 shares of outstanding North American Common Stock together with cash in lieu of fractional shares of Wisconsin Electric Common Stock, all as authorized and permitted by this order, are necessary or appropriate to the integration or simplification of the holding company system of which North American is a member and are necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 47-5486; Filed, June 10, 1947;
8:56 a. m.]

[File No. 70-1534]

POTOMAC EDISON CO. AND NORTHERN
VIRGINIA POWER CO.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 5th day of June A. D. 1947.

Notice is hereby given that a joint declaration has been filed with this Commission pursuant to sections 6 (a), 7, 9 (a), 10, 12 (d) and 12 (f) of the Public Utility Holding Company Act of 1935 and Rules U-43 and U-44 promulgated thereunder, by The Potomac Edison Company ("Potomac"), a registered holding company and its public utility subsidiary company, Northern Virginia Power Company ("Northern Virginia")

Notice is further given that any interested person may, not later than June 19, 1947, at 5:30 p. m., e. d. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated pursuant to said act, or the Commission may exempt the transactions therein proposed as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania.

All interested persons are referred to said declaration, which is on file in the offices of the Commission, for a statement of the transactions therein proposed, which are summarized below:-

Northern Virginia proposes to issue and sell 4,630 shares of its authorized and unissued Common Stock, par value \$100 per share, and Potomac proposes to acquire such shares for a cash consideration of \$463,000, the aggregate par value thereof.

Potomac now owns all of the outstanding capital stock and long-term debt of

No. 114—4

Northern Virginia, consisting of 50,370 shares of Common Stock, par value \$100 per share, 1,500 shares of 7% Preferred Stock, par value \$100 per share, and \$100,000 principal amount of open account advances. Such shares of Common Stock are presently pledged under the Indenture of Potomac dated as of October 1, 1944, securing its First Mortgage and Collateral Trust Bonds, 3% Series Due 1974. The additional shares of Common Stock of Northern Virginia to be acquired by Potomac will be pledged under said Indenture in accordance with the requirements thereof.

Northern Virginia proposes to use the proceeds from the sale of such additional shares of Common Stock to pay its indebtedness to Potomac and for the construction of extensions, additions and improvements to its property, plant and equipment.

The declarants request that the Commission's order permitting the declaration become effective immediately upon issuance.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 47-5484; Filed, June 10, 1947;
8:50 a. m.]

[File No. 70-1540]

CONSOLIDATED ELECTRIC AND GAS CO. AND
ATLANTA GAS LIGHT CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 5th day of June A. D. 1947.

Notice is hereby given that an application-declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("the act") by Consolidated Electric and Gas Company ("Consolidated") a registered holding company, and its public utility subsidiary, Atlanta Gas Light Company ("Atlanta")

Notice is further given that any interested person may not later than June 18, 1947, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said declaration which he desires to controvert, or request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. At any time after June 18, 1947, said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100.

All interested persons are referred to said application-declaration, which is on file in the offices of this Commission, for a statement of the transactions therein proposed which are summarized below:

A plan filed pursuant to section 11 (e) of the act is presently pending before the Commission proposing a reorganization of Consolidated, the owner of all the common stock of Atlanta. Preliminary to the effectuation of such plan and as steps therein, Atlanta in the instant filing proposes to amend its charter (1) to increase its authorized common stock from 250,000 shares to 1,000,000 shares and to reclassify its outstanding 240,145 shares of common stock having a par value of \$25 each into 802,553 shares having a par value of \$10 each and (2) to provide for a change in the number of directors and cumulative voting in the election thereof, certain preemptive rights to the common stockholders in the event of issues of additional common stock and certain limitations on the declaration and payment of common stock dividends. Consolidated and Atlanta have designated sections 6, 9, 10 and 12 of the act and Rules U-23, U-42, U-43, U-44 and U-50 promulgated thereunder as being applicable to the proposed transactions.

The filing requests that the Commission's order permitting the declaration to become effective and granting the application be issued as promptly as possible and become effective on the date of issuance.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 47-5485; Filed, June 10, 1947;
8:56 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 833, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11931.

[Vesting Order 8339]

ACCUMULATORENFABRIK A. G. ET AL.

In re: Patents and patent application owned by Accumulatorenfabrik A. G. of Berlin, Germany, et al.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Accumulatorenfabrik A. G. of Berlin, Germany is a corporation organized under the laws of, and having its principal place of business in, Germany and is a national of a foreign country (Germany)

2. That Ackumulator-Fabriksaktiebolaget Tudor and Aktiebolaget Latex are, and each thereof is, a corporation organized under the laws of, and having its principal place of business in, Sweden; that said corporations and each of them are owned and controlled by said Accumulatorenfabrik, A. G., and that said Ackumulator-Fabriksaktiebolaget Tudor and said Aktiebolaget Latex and each of them is a national of a foreign country (Germany);

3. That the property described as follows:

(a) All right, title and interest (including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof) in and to the following United States Letters Patent:

Patent No., Date, Inventor and Title

2,239,510; 4-22-41; Sten D. Vigren; System for charging a storage battery;
2,264,058; 11-25-41; Sten D. Vigren, Nils E. B. Sterner, and Gunnar E. Ekstrom; Signalling hydrometer circuit breaker;

(b) Patent Application identified as follows:

Serial No., Date of Filing, Inventor and Title

393,549; 5-15-41; Lars Erik, Julius Blomberg; measuring apparatus;

together with the entire right, title and interest, throughout the United States and its territories, in and to, including the right to file applications in the United States Patent Office for Letters Patent for, the invention or inventions shown or described in such application,

is property of the aforesaid nationals of a foreign country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The term "national" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 6, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director

[F. R. Doc. 47-5510; Filed, June 10, 1947;
8:45 a. m.]

[Vesting Order 8891]

I. G. FARBENINDUSTRIE A. G., AND ADVANCE SOLVENTS & CHEMICAL CORP.

In re: Interests of I. G. Farbenindustrie A. G. of Germany in a trademark and also in an agreement with Advance Solvents & Chemicals Corporation.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That I. B. Farbenindustrie A. G. is a corporation organized and existing under the laws of, and having its principal place of business in, Germany and is a national of a foreign country (Germany)

2. That the property described as follows:

(a) All interests and rights (including all royalties and other monies pay-

able or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described together with the right to sue therefor) created in I. G. Farbenindustrie A. G. by virtue of an agreement executed in July, 1933, (including all modifications thereof and supplements thereto, if any) by and between I. G. Farbenindustrie A. G. and Advance Solvents & Chemical Corporation, which agreement relates, among other things, to United States Trademark No. 256,506; and

(b) All right, title and interest of I. G. Farbenindustrie A. G. of Germany in the trademark registered in the United States Patent Office, identified as follows:

Reg. No., Date, Registrant and Character of Goods

256,506; 5-21-29; I. G. Farbenindustrie A. G., Paints and painters' materials.

together with all right, title and interest of I. G. Farbenindustrie A. G. in

(1) The good will of the business in the United States and all its possessions to which said trademark is appurtenant,

(2) Any and all indicia of said good will (including but not limited to formulae whether secret or not, secret processes, methods of manufacture and procedure, customers lists, labels, machines and other equipment)

(3) Any interest of any nature whatsoever in any rights and claims of every character and description to said business, good will and trademark and registration thereof,

(4) All accrued royalties payable or held with respect to such trademark and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof,

is property of, and is property payable or held with respect to trademarks or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, the aforesaid national of a foreign country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The term "national" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 6, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director

[F. R. Doc. 47-5511; Filed, June 10, 1947;
8:45 a. m.]

[Vesting Order 8892]

JAGENBERG-WERKE A. G.

In re: United States Patent Application Ser. No. 379,508 owned by Jagenberg-Werke A. G.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Jagenberg-Werke A. G. is a corporation organized under the laws of, and having its principal place of business in, Germany and is a national of a foreign country (Germany)

2. That the property described as follows:

Patent application identified as follows:

Serial No., Filing Date, Inventor and Title

379,508; 2/18/41; Karl Kuchler; Paper container and method and machine for producing the same;

together with the entire right, title and interest, throughout the United States and its territories, in and to, including the right to file applications in the United States Patent Office for Letters Patent for, the invention or inventions shown or described in such application, is property of the aforesaid national of a foreign country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The term "national" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 6, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director

[F. R. Doc. 47-5512; Filed, June 10, 1947;
8:45 a. m.]

[Vesting Order 8893]

KOCH-TIEFDRUCK-KOMMANDIT-GESELLSCHAFT ET AL.

In re: Interests of Koch-Tiefdruck-Kommandit-Gesellschaft, Koch-Tiefdruck-Gesellschaft, Koch-Tiefdruck, Josef Koch and Robert Pinders in a patent contract.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Koch-Tiefdruck-Kommandit-Gesellschaft, Koch-Tiefdruck-Gesellschaft, and Koch-Tiefdruck are business enterprises organized under the laws of, and maintaining their principal places of business in Essen, Germany and are

nationals of a foreign country (Germany)

2. That Josef Koch and Robert Pinders, each of whose last known address is Essen, Germany, are residents of Germany and nationals of a foreign country (Germany)

3. That the property described as follows: All interests and rights (including all accrued royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Koch-Tiefdruck-Kommandit-Gesellschaft, Koch-Tiefdruck-Gesellschaft, Koch-Tiefdruck, Josef Koch and Robert Pinders and each of them, by virtue of an agreement dated September 6, 1937 and September 18, 1937 (including all modifications thereof, and supplements thereto, if any) by and between Koch-Tiefdruck-Kommandit-Gesellschaft, Koch-Tiefdruck-Gesellschaft, Koch-Tiefdruck, Josef Koch and Robert Pinders, and each of them, on the one hand, and Margarete Hirsch, on the other hand, relating, among other things, to United States Letters Patent 2,150,281,

is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, the aforesaid nationals of a foreign country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The term "national" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 6, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director

[F. R. Doc. 47-5513; Filed, June 10, 1947;
8:45 a. m.]

[Vesting Order 8894]

MAUSER K. G.

In re: Patent owned by Mauser K. G. of Köln-Ehrenfeldt, Germany.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mauser K. G. is a corporation organized under the laws of, and having its principal place of business in, Germany and is a national of a foreign country (Germany),

2. That the property described as follows: 'All right, title and interest (including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof) in and to the following United States Letters Patent:

Patent No., Date, Inventor, and Title

2,048,457; 7-21-36; Karl W. Mauser; building material;

is property of the aforesaid national of a foreign country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The term "national" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C. on May 6, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director

[F. R. Doc. 47-5541; Filed, June 10, 1947;
8:45 a. m.]

[Vesting Order 9041]

EMIL VEIT

In re: Trust u/w Emil Veit, deceased. File D-28-9738; E. T. sec. No. 13658.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of Elsie Ebner, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany),

2. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraph 1 hereof, and each of them, in and to the trust created under the will of Emil Veit, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany),

3. That such property is in the process of administration by Industrial Trust Company, Philadelphia, Pennsylvania, as trustee, acting under the judicial supervision of the Orphans' Court of Philadelphia County, Pennsylvania;

and it is hereby determined:

4. That to the extent that the personal representatives, heirs, next of kin, legatees and distributees of Elsie Ebner, deceased, are not within a designated enemy country, the national interest of the United States requires that such per-

sons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 21, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director

[F. R. Doc. 47-5515; Filed, June 10, 1947;
8:45 a. m.]

[Vesting Order 9075]

WALTER MEYER

In re: Stock owned by Walter Meyer. F-28-421-D-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation it is hereby found:

1. That Walter Meyer, whose last known address is Hanover, Germany, is a resident of Germany and a national of a designated enemy country (Germany)

2. That the property described as follows: Nine (9) shares of no par value common capital stock of Texas Textile Mills, Dallas, Texas, a corporation organized under the laws of the State of Texas, evidenced by certificate number 692C, dated September 7, 1938, registered in the name of Walter Meyer and presently in the custody of The National City Bank of New York, 55 Wall Street, New York 15, New York, in account number B23944 entitled Exportkreditbank Aktiengesellschaft, Berlin, Germany, sub-account Special Customers account for Custody, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany),

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest-

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 26, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-5516; Filed, June 10, 1947;
8:46 a. m.]

[Vesting Order 9076]

CARL NEUMANN

In re: Stock owned by Carl Neumann.
F-28-23500-D-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Carl Neumann, whose last known address is 5 Friedrichstrasse 5, Heidelberg, Germany, is a resident of Germany and a national of a designated enemy country (Germany).

2. That the property described as follows: Twenty-five (25) shares of \$100.00 par value common capital stock of Baltimore & Ohio Railroad Company, a corporation organized under the laws of the State of Maryland, evidenced by certificate number A-354793, registered in the name of Carl Neumann, and presently in the custody of The National City Bank of New York, 55 Wall Street, New York 15, New York, in account number B23944 entitled Exportkreditbank Aktiengesellschaft, Berlin, Germany, sub-account Special Customers account for Custody, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany)

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States:

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 26, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-5517; Filed, June 10, 1947;
8:46 a. m.]

[Vesting Order 9077]

FRITZ ROCKMANN

In re: Stock owned by Fritz Rockmann. F-28-25229-D-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Fritz Rockmann, whose last known address is Hamburg, Germany, is a resident of Germany and a national of a designated enemy country (Germany)

2. That the property described as follows:

a. Five and one-half (5½) shares of \$40.00 par value non-cumulative preferred stock of The Frink Corporation, a corporation organized under the laws of the State of New York, evidenced by certificate number CP-184, registered in the name of Fritz Rockmann, and presently in the custody of The National City Bank of New York, 55 Wall Street, New York 15, New York, in account number B23944 entitled Exportkreditbank Aktiengesellschaft, Berlin, Germany, sub-account Special Customers account for Custody, together with all declared and unpaid dividends thereon,

b. Two and seventy-five hundredths (2 75/100ths) shares of \$1.00 par value common capital stock of The Frink Corporation, a corporation organized under the laws of the State of New York, evidenced by certificate number 373, registered in the name of Fritz Rockmann, and presently in the custody of The National City Bank of New York, 55 Wall Street, New York 15, New York, in account number B23944 entitled Exportkreditbank Aktiengesellschaft, Berlin, Germany, sub-account Special Customers account for Custody, together with all declared and unpaid dividends thereon, and

c. One (1) The Frink Corporation warrant, representing the right to purchase two hundred-eleven hundredths (200/1100) shares of \$1.00 par value common stock, bearing the number W165, registered in the name of Fritz Rockmann, which warrant is presently in the custody of The National City Bank of New York, 55 Wall Street, New York 15, New York, in account number B23944 entitled Exportkreditbank Aktiengesellschaft, Berlin, Germany, sub-account Special Customers Account for Custody, together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or de-

liverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany),

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 26, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director

[F. R. Doc. 47-5518; Filed, June 10, 1947;
8:46 a. m.]

[Vesting Order 9078]

WALTER VEIT

In re: Stock owned by Walter Veit.
F-28-24272-D-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Walter Veit, whose last known address is Sanitatzstrat. Berlin-Dahlem, Koningin, Lulestra 72, Germany, is a resident of Germany and a national of a designated enemy country (Germany),

2. That the property described as follows: Four (4) shares of \$100.00 par value capital stock of New Orleans, Texas & Mexico Railway Company, a corporation organized under the laws of the State of Louisiana, evidenced by certificate number 7030, registered in the name of Walter Veit, and presently in the custody of The National City Bank of New York, 55 Wall Street, New York, New York, in account number B23945 entitled Exportkreditbank Aktiengesellschaft, Berlin, Germany, sub-account Special Customers account for Custody, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the

aforesaid national of a designated enemy country (Germany),

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 26, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-5519; Filed, June 10, 1947;
8:46 a. m.]

[Vesting Order 9091]

SEISABURO HONDA

In re: Bank account and claim owned by Seisaburo Honda. D-39-17461, F-39-5839-E-1, F-39-5839-C-1, F-39-5839-C-2.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Seisaburo Honda, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan)

2. That the property described as follows:

a. That certain debt or other obligation owing to Seisaburo Honda, by Bishop National Bank of Hawaii, Honolulu, T. H., arising out of a checking account, entitled Seisaburo Honda, and any and all rights to demand, enforce and collect the same, and

b. All those debts or other obligations owing to Seisaburo Honda, by Pacific Soda Works, Limited, 890 South King Street, Honolulu, T. H., including particularly but not limited to a portion of the sum of money on deposit with Bishop National Bank of Hawaii, Honolulu, T. H., in a blocked savings account, Account Number 19286, entitled Pacific Soda Works, Limited, Blocked Special Account for Non-Resident Stockholders, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the

aforesaid national of a designated enemy country (Japan),

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 27, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director

[F. R. Doc. 47-5522; Filed, June 10, 1947;
8:47 a. m.]

[Vesting Order 9092]

JISUKE KAGIMOTO

In re: Bonds owned by Jisuke Kagimoto. F-39-1830-A-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Jisuke Kagimoto, whose last known address is Yamaguchi-ken, Japan, is a resident of Japan and a national of a designated enemy country (Japan),

2. That the property described as follows: 3 Oriental Development Co. Ltd., bonds of \$1,000 face value, bearing the numbers 12289, 12864, and 8019, presently in the custody of John Y. Shimamoto, Honolulu, T. H., together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan)

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the prop-

erty described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 27, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-5523; Filed, June 10, 1947;
8:47 a. m.]

[Vesting Order 9094]

HIROSHI MOTOSHIGE

In re: Bank accounts owned by Hiroshi Motoshige. F-39-3715-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hiroshi Motoshige, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan)

2. That the property described as follows:

a. That certain debt or other obligation owing to Hiroshi Motoshige, by Bank of Hawaii, King and Bishop Streets, Honolulu, T. H., arising out of a savings account, Account Number 150533, entitled Hiroshi Motoshige, and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation owing to Hiroshi Motoshige, by The Yokohama Specie Bank, Limited, Honolulu Office, P. O. Box 1200, Honolulu, T. H., arising out of a savings account, evidenced by Receiver's Liability No. 1769, entitled Hiroshi Motoshige, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan),

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 27, 1947.

For the Attorney General:

[SEAL] DONALD C. COOK,
Director

[F. R. Doc. 47-5524; Filed, June 10, 1947;
8:47 a. m.]

[Vesting Order 9095]

CHRISTINA MARGARET NATSCHIFF

In re: Stock owned by Christina Margaret Natschiff, also known as Christina M. Natschiff, and as Christina Margaret Natscheff, and as Christina M. Natscheff, and as C. M. Natscheff. F-28-5384-D-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Christina Margaret Natschiff, also known as Christina M. Natschiff, and as Christina Margaret Natscheff, and as Christina M. Natscheff, and as C. M. Natscheff, whose last known address is Dresden, Germany, is a resident of Germany and a national of a designated enemy country (Germany)

2. That the property described as follows:

a. 20 shares of \$25 par value 6% first preferred capital stock of Pacific Gas and Electric Company, 245 Market Street, San Francisco 6, California, a corporation organized under the laws of the State of California, evidenced by certificate number F117423, registered in the name of Christina Natscheff, and presently in the custody of Hawaiian Trust Company, Limited, Honolulu, T. H., together with all declared and unpaid dividends thereon, and

b. 45 shares of \$10 par value common capital stock of Mutual Telephone Company, 1128 Alakea Street, Honolulu, T. H., a corporation organized under the laws of the Territory of Hawaii, evidenced by certificate number 23777, registered in the name of Mrs. Christina Natscheff, and presently in the custody of the Attorney General of the United States (Honolulu Office) together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany),

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 27, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-5525; Filed, June 10, 1947;
8:47 a. m.]

[Vesting Order 9096]

KICHITARO SEKIYA

In re Stock and bonds owned by Kichitaro Sekiya, also known as K. Sekiya, and as Kitchitaro Sekiya. F-30-93-A-2.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kichitaro Sekiya, also known as K. Sekiya and as Kitchitaro Sekiya, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan),

2. That the property described as follows:

a. 200 shares of capital stock of Nanyo Coffee Co., Ltd., Japan, a corporation organized under the laws of Japan, evidenced by certificates numbered KO 033, KO 034, KO 035, KO 036, registered in the name of Kichitaro Sekiya, and presently in the custody of Treasury Department, evidenced by custody receipt No. 320, issued to Yoshio Sekiya, together with all declared and unpaid dividends thereon, and

b. Two (2) United States Defense Savings Bonds, Series E, each of \$50 face value, bearing the numbers L378510E and L378509E, registered in the name of Kichitaro Sekiya, together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan)

and it is hereby determined:

3. That to the extent the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having

been made and taken, and, it being deemed necessary in the national interest.

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 27, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-5526; Filed, June 10, 1947;
8:47 a. m.]

[Vesting Order 9099]

LOUISA PLOJETZ AND HEINRICH KRAMER

In re: Bank accounts and interest in mortgage owned by Louisa Plojetz and Heinrich Kramer and debt owing to Heinrich Kramer. F-28-26907-A-1, F-28-26911-A-1, F-28-26911-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Louisa Plojetz and Heinrich Kramer, whose last known addresses are 119 2/10 Frankfurter Strasse, Offenbach, Germany, are residents of Germany and nationals of a designated enemy country (Germany)

2. That the property described as follows:

a. That certain debt or other obligation owing to Louisa Plojetz, by The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, arising out of a blocked account, account number F 88493, entitled Mrs. Louisa Plojetz, maintained at the branch office of the aforesaid bank located at 11 Broad Street, New York 15, New York, and any and all rights to demand, enforce and collect the same,

b. That certain debt or other obligation owing to Heinrich Kramer, by The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, arising out of a blocked account, account number F 88494, entitled Dr. Heinrich Kramer, maintained at the branch office of the aforesaid bank located at 11 Broad Street, New York 15, New York, and any and all rights to demand, enforce and collect the same,

c. An undivided three-eighths (3/8) interest in and to that certain mortgage, executed on July 3, 1924, by Fannie Krantz to Valentin Klein and Margaretha Klein, and recorded in the Office of the Register of the County of Bronx, City of New York, New York, on July 5, 1924, in Liber 814 of Mortgages, page 470, section 14, block 3772, and thereafter assigned by The Chase National Bank of the City of New York and Carl H. Bock, as Executors under the last Will and Testament of Valentin Klein, to Barbara M. Bock, Louisa Plojetz, Heinrich

Kramer, Lena Walter and John R. Walter, by assignment dated August 20, 1936, and recorded in the Office of the Register of the County of Bronx, City of New York, New York, on August 31, 1936, in Liber 1751 of Mortgages, page 480, section 14, block 3772, and any and all obligations secured by said interest in the mortgage, including but not limited to all security rights in and to any and all collateral (including the aforesaid mortgage) for any and all such obligations, and the right to enforce and collect such obligations, and the right to possession of any and all notes, bonds and other instruments evidencing such obligations, and

d. That certain debt or other obligation owing to Heinrich Kramer, by Muldoon, Propper & Wallace, Trustees of Bronx Certificated Mortgages, 75 Maiden Lane, New York 7, New York, in the amount of \$21.80, as of November 22, 1946, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany)

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 28, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-5474; Filed, June 9, 1947;
8:58 a. m.]

[Vesting Order 9100]

ERNST WAGNER

In re: Mortgages and interest in property insurance policies and claim owned by Ernst Wagner.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ernst Wagner, whose last known address is Idar Oberstein 2, Kreis Birkenfeld, Blucherstrasse 69, Rheinland, Hessen-Nassau, Germany, is a resident of

Germany and a national of a designated enemy country (Germany).

2. That the property described as follows:

a. A mortgage executed on May 8, 1929, by Alfred R. Minor, Clara V. Minor, his wife, Anna Kohlmann and Meta Dahn, nee Kohlmann, to Henry Stubing, and recorded in the Office of the Register of Kings County, New York, on May 9, 1929, in Liber 7283 of Mortgages, at Page 321, and any and all obligations secured by said mortgage, including but not limited to all security rights in and to any and all collateral (including the aforesaid mortgage) for any and all such obligations and the right to enforce and collect such obligations, and the right to possession of any and all notes, bonds and other instruments evidencing such obligations,

b. A mortgage executed on June 2, 1908, by Giuseppe Pasqualino, also known as Peppino Pasqualino, and his wife, Assunta Pasqualino, to Julius Lehrenkrauss, Jr. and Herman C. Lehrenkrauss and recorded in the Office of the Register of Kings County, New York, on June 3, 1908, in Liber 3137 of Mortgages, at Page 470, and any and all obligations secured by said mortgage, including but not limited to all security rights in and to any and all collateral (including the aforesaid mortgage) for any and all such obligations and the right to enforce and collect such obligations, and the right to possession of any and all notes, bonds, and other instruments evidencing such obligations,

c. All right, title and interest of Ernst Wagner, in and to the following insurance policies:

Policy No. 11912, issued by the New Hampshire Fire Insurance Co., 156 Hanover Street, Manchester, New Hampshire, in the amount of \$2,500.00, and any extensions or renewals thereof, insuring the premises, subject to the mortgage described in subparagraph 2-a hereof,

Policy No. 56326, issued by the New Hampshire Fire Insurance Co., 156 Hanover Street, Manchester, New Hampshire, in the amount of \$1,400.00, and any extensions or renewals thereof, insuring the premises, subject to the mortgage described in subparagraph 2-a hereof, and

Policy No. 813365, issued by the Home Insurance Company of New York, 59 Maiden Lane, New York, New York, in the amount of \$4,000.00, and any extensions or renewals thereof, insuring the premises, subject to the mortgage described in subparagraph 2-b hereof,

d. That certain debt or other obligation, owing to Ernst Wagner by Richter & Kaiser, Inc., 186 Remsen Street, Brooklyn, New York, arising by reason of interest and payments on principal collected on the mortgages described in subparagraphs 2-a and 2-b hereof, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany).

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not

within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraphs 2-a to 2-d above, inclusive, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 28, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-5475; Filed, June 9, 1947;
8:53 a. m.]

[Vesting Order 9102]

ERNEST BOTTMAN ET AL.

In re: Ernest Bottman vs. Marie Walker, et al. File D-23-7936; E. T. sec. No. 8902.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That August Sauter and David Bottman, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany)

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the proceeds of the real estate sold pursuant to order of court in a partition suit entitled Ernest Bottman vs. Marie Walker, et al., is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany)

3. That such property is in the process of administration by Elizabeth Lownsbury of Philadelphia, Pennsylvania, as Master, acting under the judicial supervision of the Court of Common Pleas No. 2 for Philadelphia County, Pennsylvania;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, ad-

ministered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9133, as amended.

Executed at Washington, D. C., on May 28, 1947.

For the Attorney General.

[SEAL]

DONALD C. COOK,
Director.

[F. R. Doc. 47-5527; Filed, June 10, 1947;
8:47 a. m.]

[Vesting Order 9104]

MICHAEL VARGA

In re: Estate of Michael Varga, also known as Mike Varga, deceased. File No. D-34-911, E. T. sec. 15873.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Jakob Ferenzne and Balog Kalmane, whose last known address is Hungary, are residents of Hungary and nationals of a designated enemy country (Hungary),

2. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraph 1 hereof in and to the estate of Michael Varga, also known as Mike Varga, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Hungary);

3. That such property is in the process of administration by Tessie Papp, as administratrix, acting under the judicial supervision of the Surrogate's Court, New York County, State of New York; and it is hereby determined:

4. That to the extent that the persons identified in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Hungary)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 28, 1947.

For the Attorney General.

[SEAL]

DONALD C. COOK,
Director.

[F. R. Doc. 47-5528; Filed, June 10, 1947;
8:47 a. m.]

[Vesting Order 9108]

ISUNAHISA INADA

In re: Stock owned by Isunahisa Inada. F-39-4787-D-1, F-39-4787-D-2.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Isunahisa Inada, whose last known address is Keitokumura, Japan, is a resident of Japan and a national of a designated enemy country (Japan)

2. That the property described as follows:

a. Eight (8) shares of \$12.50 par value common capital stock of Bank of America National Trust and Savings Association, 300 Montgomery Street, San Francisco, California, evidenced by Certificates numbered A49609 for five (5) shares and F86755 for three (3) shares, registered in the name of Isunahisa Inada, together with all declared and unpaid dividends thereon, and

b. Twenty-five (25) shares of \$2.00 par value capital stock of Transamerica Corporation, 4 Columbus Avenue, San Francisco, California, a corporation organized under the laws of the State of Delaware, evidenced by a certificate numbered 97424, registered in the name of Isunahisa Inada, together with all declared and unpaid dividends thereon, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan),

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 28, 1947.

For the Attorney General.

[SEAL]

DONALD C. COOK,
Director.

[F. R. Doc. 47-5476; Filed, June 9, 1947;
8:59 a. m.]

[Vesting Order 9110]

HEINR. A. MOEHLHNOFF

In re: Debt owing to Heinr. A. Moehlenhoff.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Heinr. A. Moehlenhoff, whose last known address is Hasporterddamm 105, Delmenhorst, Germany, is a resident of Germany and a national of a designated enemy country (Germany),

2. That the property described as follows: That certain debt or other obligation owing to Heinr. A. Moehlenhoff, by American Express Company, 65 Broadway, New York 6, New York, in the amount of \$290.00, as of December 8, 1945, and any and all accruals thereto, evidenced by seventeen (17) travelers checks, numbered B2111428 to B2111439, both numbers inclusive, and A26155104 to A26155108, both numbers inclusive, issued by said American Express Company, 65 Broadway, New York 6, New York, and presently in the possession of the Attorney General of the United States, and any and all rights to demand, enforce and collect the aforementioned debt or other obligation, together with any and all rights in, to and under, including particularly, but not limited to, the rights to possession and presentation for collection and payment of the aforesaid travelers checks,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 28, 1947.

For the Attorney General.

[SEAL]

DONALD C. COOK,
Director.

[F. R. Doc. 47-5529; Filed, June 10, 1947;
8:47 a. m.]